

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

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Wednesday 1 January 2020

## Notice of Meeting

Dear Member

### **Planning Sub-Committee (Heavy Woollen Area)**

The **Planning Sub-Committee (Heavy Woollen Area)** will meet in the **Reception Room - Town Hall, Dewsbury** at **1.00 pm** on **Thursday 9 January 2020**.

(A coach will depart the Town Hall, at 9.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Reception Room, Dewsbury Town Hall.)

This meeting will be webcast live and will be available to view via the Council's website.

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**

**Service Director – Legal, Governance and Commissioning**

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 Planning Sub-Committee (Heavy Woollen Area) members are:-**

### **Members**

Councillor Steve Hall (Chair)  
Councillor Mahmood Akhtar  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Nosheen Dad  
Councillor Cathy Scott  
Councillor Charlotte Goodwin  
Councillor Kath Taylor  
Councillor Graham Turner  
Labour Group Vacancy

When a Planning Sub-Committee (Heavy Woollen Area) member cannot be at the meeting another member can attend in their place from the list below:-

### **Substitutes Panel**

#### **Conservative**

B Armer  
V Lees-Hamilton  
N Patrick  
R Smith  
J Taylor  
M Thompson

#### **Green**

K Allison  
S Lee-Richards

#### **Independent**

C Greaves  
T Lyons

#### **Labour**

M Kaushik  
W Simpson  
M Sokhal  
H Uppal

#### **Liberal Democrat**

A Marchington  
A Munro

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Sub-Committee**

To receive any apologies for absence, or notice of substitutions.

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**2: Minutes of Previous Meeting**

1 - 8

To approve the Minutes of the meeting of the Committee held on 5 December 2019.

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**3: Interests and Lobbying**

9 - 10

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will also be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the item or participating in any vote upon the item, or any other interests.

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**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.

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**5: 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.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**6: Public Question Time**

The Committee will hear any questions from the general public.

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**7: Site Visit - Application No: 2019/90183 (Position Statement)**

Erection of 14 dwellings and associated works at land off, Station Road, Skelmanthorpe, Huddersfield.

Estimated time of arrival at site: 10.00am

Contact Officer: Victor Grayson, Planning Services

**Ward Affected:** Denby Dale

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**8: Site Visit - Application No: 2019/91657**

Erection of 30 dwellings at land at Station Road, Skelmanthorpe, Huddersfield.

Estimated time of arrival at site: 10.00am

Contact Officer: Victor Grayson, Planning Services

**Ward Affected:** Denby Dale

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**9: Site Visit - Application No: 2019/92378**

Outline planning permission for erection of residential development at east of, 28 Northorpe Lane, Mirfield.

Estimated time of arrival at site: 10.45am

Contact Officer: Nia Thomas, Planning Services

**Ward Affected:** Mirfield

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**10: Site Visit - Application No: 2019/93659**

Erection of 6 bungalows and associated landscaping and parking at land off, Kitson Hill Crescent, Mirfield.

Estimated time of arrival at site: 11.05am

Contact Officer: Bill Topping, Planning Services

**Ward Affected:** Mirfield

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**11: Site Visit - Application No: 2019/93660**

Erection of 4 bungalows at land off Fox Royd Drive, Mirfield.

Estimated time of arrival at site: 11.10am

Contact Officer: Bill Topping, Planning Services

**Ward Affected:** Mirfield

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**12: Site Visit - Application No: 2019/93266**

Change of use from carpet showroom to nursery/out of school club at 21-23a Leeds Road, Liversedge.

Estimated time of arrival at site: 11.20am

Contact Officer: Nia Thomas, Planning Services

**Ward Affected:** Liversedge and Gomersal

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**13: Site Visit - Application No: 2019/92515**

Erection of first floor and two storey rear extensions to Mohaddis E Azam Education Centre and Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury.

Estimated time of arrival at site: 11.45am

Contact Officer: Sarah Longbottom, Planning Services

**Ward Affected:** Dewsbury West

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**14: Local Planning Authority Appeals** 11 - 16

The Sub Committee will receive a report detailing the outcome of appeals against decisions of the Local Planning Authority, as submitted to the Secretary of State.

Contact: Julia Steadman, Planning Services

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**Planning Applications** 17 - 18

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must have registered no later than 5.00pm (via telephone), or 11.59pm (via email) on Monday 6 January. To pre-register, please email [andrea.woodside@kirklees.gov.uk](mailto:andrea.woodside@kirklees.gov.uk) or phone 01484 221000 (Extension 74993). Registration can be done by telephone on 2, 3 and 6 January 2020.

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda prior to the meeting.

**15: Planning Application - Application No: 2019/90155** 19 - 34

Change of use and alterations to convert trade counter to retail unit to function room at former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury.

Contact Officer: Tony Monaghan, Planning Services

**Ward Affected:** Dewsbury East

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**16: Planning Application - Application No: 2019/90183 (Position Statement)** 35 - 54

Erection of 14 dwellings and associated works at land off, Station Road, Skelmanthorpe, Huddersfield.

Contact Officer: Victor Grayson, Planning Services

**Ward Affected:** Denby Dale

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- 17: Planning Application - Application No: 2019/91657** 55 - 84
- Erection of 30 dwellings at land at Station Road, Skelmanthorpe, Huddersfield.
- Contact Officer: Victor Grayson, Planning Services
- Ward Affected:** Denby Dale
- 
- 18: Planning Application - Application No: 2019/92378** 85 - 116
- Outline planning permission for erection of residential development at east of, 28 Northorpe Lane, Mirfield.
- Contact Officer: Nia Thomas, Planning Services
- Ward Affected:** Mirfield
- 
- 19: Planning Application - Application No: 2019/93659** 117 - 126
- Erection of 6 bungalows and associated landscaping and parking at land off, Kitson Hill Crescent, Mirfield.
- Contact Officer: Bill Topping, Planning Services
- Ward Affected:** Mirfield
- 
- 20: Planning Application - Application No: 2019/93660** 127 - 136
- Erection of 4 bungalows at land off Fox Royd Drive, Mirfield.
- Contact Officer: Bill Topping, Planning Services
- Ward Affected:** Mirfield
- 
- 21: Planning Application - Application No: 2019/93266** 137 - 148
- Change of use from carpet showroom to nursery/out of school club at 21-23a Leeds Road, Liversedge.
- Contact Officer: Nia Thomas, Planning Services
- Ward Affected:** Liversedge and Gomersal
-

**22: Planning Application - Application No: 2019/92515**

149 -  
160

Erection of first floor and two storey rear extensions to Mohaddis E Azam Education Centre and Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury.

Contact Officer: Sarah Longbottom, Planning Services

**Ward Affected:** Dewsbury West

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**Planning Update**

The update report on applications under consideration will be added to the web agenda prior to the meeting.



Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

**Thursday 5th December 2019**

Present: Councillor Steve Hall (Chair)  
Councillor Mahmood Akhtar  
Councillor Michelle Grainger-Mead  
Councillor John Lawson  
Councillor Fazila Loonat  
Councillor Mussarat Pervaiz  
Councillor Andrew Pinnock  
Councillor Nosheen Dad  
Councillor Cathy Scott  
Councillor Charlotte Goodwin  
Councillor Graham Turner

Apologies: Councillor Kath Taylor

Prior to the commencement of the meeting, the Sub-Committee held a minute of silence in remembrance of the Councillor Paul Kane.

**1 Appointment of Chair**

**RESOLVED** - That Councillor S Hall be appointed as Chair of the Sub-Committee for the remainder of the 2019/20 municipal year.

**2 Membership of the Committee**

Councillor Sokhal substituted for the Labour Group vacancy.

Apologies for absence were received on behalf of Councillor K Taylor.

**3 Minutes of Previous Meeting**

**RESOLVED** - That the Minutes of the Meeting held on 17 October 2019 be approved as a correct record.

**4 Interests and Lobbying**

It was noted that all Members had been lobbied on Applications 2019/92381 and 2019/92982.

Councillor Grainger-Mead advised that she had been lobbied on Application 2019/92734.

## **Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019**

Councillor S Hall advised that he had been lobbied on Applications 2019/90382 and 2019/92734.

Councillor Goodwin declared a Disclosable Pecuniary Interest in Application 2019/92739 on the grounds that she was the applicant, and left the meeting during the consideration and determination of the application.

### **5 Admission of the Public**

It was noted that exempt information had been submitted in relation to Application 2019/92710 (Minute No. 19 refers).

### **6 Deputations/Petitions**

No deputations or petitions were received.

### **7 Site Visit - Application 2019/92734**

Site visit undertaken.

### **8 Site Visit - Application 2019/92381**

Site visit undertaken.

### **9 Site Visit - Application 2019/90382**

Site visit undertaken.

### **10 Local Planning Authority Appeals**

The Sub-Committee received a report which set out decisions which had been taken by the Planning Inspectorate in respect of decisions of the Local Planning Authority.

**RESOLVED** - That the report be noted.

### **11 Planning Application - Application No: 2017//92291**

The Sub-Committee gave consideration to Application 2017/92291 – Erection of 19 dwellings with associated infrastructure and landscaping at Rock Villa Development at land off Warwick Road, Batley.

**RESOLVED** - That the position statement be noted and that approval be given for the grant of a further period of time to conclude negotiations on outstanding highways matters and s106 agreement.

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

For: Councillors Akhtar, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

### **12 Planning Application - Application No: 2019/90382**

The Sub-Committee gave consideration to Application 2019/90382 – Change of use from motorcycle showroom and sales to mixed use at Brookroyd Mills, 678 Bradford Road, Batley.

## Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

**RESOLVED** - That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- in accordance with plans
- restricting the additional uses and their floorspace
- restricting hairdressers and tattoo parlour to appointment only basis
- restricting size of restaurant
- provision of parking spaces (including accessible spaces)
- car parking management plan
- measures to manage parking
- kitchen extraction system
- hours of delivery and dispatch (no deliveries to or dispatches from the premises outside the hours of 07:30 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday)
- opening of motorcycle sales 08:30 to 17:00 Monday to Saturday
- opening of the restaurant/bar element – shall not be open to customers outside the hours of 08:30 to 23:00 Monday to Sunday
- submission of flood evacuation plan

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

For: Councillors Akhtar, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, and Turner (10 votes)

Against: (no votes)

Abstained: Councillors Dad and Sokhal

### 13 **Planning Application - Application No: 2019/92381**

The Sub-Committee gave consideration to Application 2019/92381 – Change of use from retail/office to preparation and packaging of food, alterations to existing outbuilding and installation of vent at 52 Wellington Street, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mrs Whittaker and Mr Shaikh (local residents) and Khizar Hans (applicant).

**RESOLVED** - That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- the development shall be begun not later than the expiration of three years
- the development shall be carried out in complete accordance with the plans and specifications
- no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 07:00 to 17:30 Monday to Saturday and 08:00 to 17:00 Sundays
- details of the installation and/or erection of any kitchen extract ventilation system, including details of the methods of treatments of emissions and filters to remove odours and control noise emissions to be previously approved in writing by the Local Planning Authority

## Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

- an electric charge point to be installed
- parking and bin storage/collection area to be provided in accordance with details shown on drawing no. 2019-52WS-02
- details of the external finish of the side extension on the outhouse to be submitted to and approved in writing by the Local Planning Authority

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

For: Councillors Grainger-Mead, Goodwin, S Hall, Lawson, A Pinnock, Scott and Turner (7 votes)

Against: Councillors Loonat and Sokhal (2 votes)

Abstained: Councillors Akhtar, Dad and Pervaiz

### 14 **Planning Application - Application No:2019/92734**

The Sub-Committee gave consideration to Application 2019/92734 – Erection of extensions and dormer windows to front of 9 Chapel Fold, Staincliffe, Batley.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Susan Wilkinson (local resident), Nadia Kauser (applicant) and David Storrie (applicant's agent).

Under the provisions of Council Procedure Rule 36(1), the Sub Committee received a representation from Councillor Lowe (ward member).

**RESOLVED** – That, contrary to the Officer's recommendation, the application be refused on the grounds that the proposed development would have an overbearing impact upon residential amenity and would not be in-keeping with the properties surrounding the site.

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

For: Councillors Goodwin, Grainger-Mead, S Hall, Lawson, Pervaiz, A Pinnock, Scott and G Turner (8 votes)

Against: Councillors Akhtar, Dad, Loonat and Sokhal (4 votes)

### 15 **Planning Application - Application No: 2019/92982**

The Sub-Committee gave consideration to Application 2019/92982 – Variation condition 2 (plans) on previous permission 2014/94021 for erection of one dwelling (within a conservation area) at East Paddock, 3 Deer Croft, Farnley Tyas.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representations from Mary Palmerley and Frances Holmes (local residents).

Under the provisions of Council Procedure Rule 36(1), the Sub-Committee received a representation from Councillor Armer (local member).

**RESOLVED** –

- 1) That authority be delegated to the Head of Development and Master Planning to approve the application, secure a Supplemental S106 Agreement

## Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

to cover an off-site contribution for affordable housing, issue the decision notice and complete the list of conditions including matters relating to;

- timescale for implementation (to commence by 27 August 2022)
- development in accordance with approved plans
- materials
- window details
- external joinery
- gutters/rainwater goods
- landscaping plan
- boundary treatments
- removal of permitted development rights
- surfacing of parking and turning areas
- Field Lane highway works
- unexpected contamination
- drainage
- construction management plan
- extent of residential curtilage
- site levels

2) That, pursuant to (1) above, in circumstance where the Section 106 Agreement has not been completed within three months of this decision, the Head of Development and Master Planning shall be authorised to 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, and would therefore be permitted to determine the Application and 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 Akhtar, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

### 16 **Planning Application - Application No: 2019/92739**

The Sub-Committee gave consideration to Application 2019/92739 – Variation of conditions 2 (plans) and 4 (materials) on previous permission 2015/93715 for erection of detached dwelling, extension to existing dwelling and formation of parking area at 51 High Street, Hanging Heaton.

**RESOLVED** – That authority be delegated to the Head of Development and Master Planning to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- development in accordance with approved plans
- sample of all facing and roofing materials
- artificial stone to front elevation and render (colour to be approved) to other elevations
- intrusive site investigation works
- one electric vehicle recharging point
- vehicle parking areas to be surfaced and drained

## Planning Sub-Committee (Heavy Woollen Area) - 5 December 2019

- driveway gradient
- nothing to be planted/erected within 2 metres of the back of the carriageway
- details of footway crossings
- details of retaining walls
- removal of permitted development rights for extensions and out buildings within the curtilage of the new dwelling

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

For: Councillors Akhtar, Dad, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (11 votes)

Against: (no votes)

### 17 **Planning Application - Application No: 2019/92710**

The Sub-Committee gave consideration to Application 2019/92710 – Reserved matters application pursuant to outline permission 2017/93347 for erection of 32 dwellings at land off Fieldhead Lane, Birstall.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Shawn Hancock (on behalf of the applicant).

**RESOLVED** - That authority be delegated to the Head of Development and Master Planning in order to (i) secure the signing of a Section 106 Agreement to cover the provision and future maintenance of 32 affordable houses and provision and subsequent maintenance of the Public Open Space provided within the site and (ii) complete the list of all necessary and appropriate conditions including matters relating to;

- standard reserved matters
- in accordance with approved plans
- samples of materials
- protection of trees during development
- biodiversity enhancement opportunities
- highways – servicing, parking, maintaining visibility
- construction management plan
- travel plan
- details of pedestrian/cycle route to be agreed and implemented prior to the occupation of any approved dwellings

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

For: Councillors Akhtar, Dad, Goodwin, Grainger-Mead, S Hall, Lawson, Loonat, Pervaiz, A Pinnock, Scott, Sokhal and Turner (12 votes)

Against: (no votes)

### 18 **Exclusion of Public**

**RESOLVED** – That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

**19 Planning Application - Application No: 2019/92710**

(Exempt information within Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that it would not be in the public interest to disclose the information contained within the report due to the need to maintain confidentiality regarding financial information relating to contracted authorities)

The Sub-Committee received exempt information in respect of Agenda Item 17 prior to the determination of that item (Minute No. 17 refers).

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**KIRKLEES COUNCIL**

**DECLARATION OF INTERESTS AND LOBBYING**

Planning Sub-Committee/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.

**Name of meeting: PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)**

**Date: 9 JANUARY 2020**

**Title of report: LOCAL PLANNING AUTHORITY APPEALS**

**The purpose of the report is to inform Members of planning appeal decisions received in the Heavy Woollen area since the last Sub-Committee meeting.**

**Electoral wards affected: Denby Dale**

**Ward councillors consulted: No**

**Public or private: Public**

**Has GDPR been considered? Yes. There no GDPR implications.**

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**1. Summary**

This report is for information only. It summarises the decisions of the Planning Inspectorate, in respect of appeals submitted against the decision of the Local Planning Authority. Appended to this Item are the Inspector's decision letters. These set out detailed reasoning to justify the decisions taken.

**2. Information to note: The appeal decision received are as follows:-**

- 2.1 2018/60/93309/E - Outline application for erection of residential development at Land off Cumberworth Lane, Denby Dale, Huddersfield, HD8 8RU. (Officer) (Dismissed)

**3. Implications for the Council**

**3.1 There will be no impact on the four main priority areas listed below**

- Early Intervention and Prevention (EIP)
- Economic Resilience (ER)
- Improving outcomes for Children
- Reducing demand of services

**4. Consultees and their opinions**

Not applicable, the report is for information only

**5. Next steps**

Not applicable, the report is for information only

**6. Officer recommendations and reasons**

That the report be noted.

7. **Cabinet portfolio holder recommendation**  
Not applicable
8. **Contact officer**  
Mathias Franklin – Head of Planning and Development (01484 221000)  
[mathias.franklin@kirklees.gov.uk](mailto:mathias.franklin@kirklees.gov.uk)
9. **Background Papers and History of Decisions**  
Not applicable



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## Appeal Decision

Site visit made on 20 August 2019

**by William Walton BA MSc Dip Env Law LLM CPE BVC MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> November 2019**

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### **Appeal Ref: APP/Z4718/W/19/3230042**

### **Land off Cumberworth Lane, Denby Dale HD8 8RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Wavin Ltd against Kirklees Council.
  - The application Ref 2018/93309, is dated 22 September 2018.
  - The development proposed is for residential development.
- 

### **Decision**

1. I dismiss this appeal and refuse planning permission for the development sought.

### **Procedural Matters**

2. This is an application for outline planning permission for the construction of 4 no. x 2-storey houses, with all matters reserved for future determination. The accompanying indicative plans show 2 no. houses in the centre part of the site facing each other and 2 no. at the eastern end of the planned road facing west.

### **Main Issues**

3. Having had regard to the statements of the appellant and the Council I have concluded that the main issues in the determination of this appeal are:
  - 1) whether a masterplan is required to secure an efficient form of development; and
  - 2) whether the highway access arrangements will be suitable for the proposed development.

### **Reasons**

4. The appeal site comprises an enclosed paddock, roughly rectangular in shape and measuring 0.47ha in area with access via an unadopted, uneven road to Cumberworth Lane to the west. Included within the site are some small redundant structures along part of the northern boundary and a stretch of drystone wall running north-south roughly bisecting it in two. The site occupies an elevated, south facing position above the town of Denby Dale. It would appear from my inspection that about 2/5 of the main rectangular part is unsuitable for building because of the challenging topography.
5. There are houses fronting Cumberworth Lane on either side of the site access (nos. 5 and 6 Chapel Court). To the north the site adjoins a more extensive

area of open land. The eastern side of the site slopes away quite quickly towards an area of land accessible from Leak Hall Road which, I understand, has planning permission for residential development. Immediately to the south, below the site, are houses, many made of traditional stone, which are accessible from the lower section of Cumberworth Lane and from the A636 Wakefield Road, the main thoroughfare through the town.

### *The Masterplan*

6. At the time that the application was submitted the appeal site was not allocated for any form of development. However, this situation changed on 27 February 2019 when the new Kirklees Local Plan (KLP) was adopted. Under policy HS144 of the KLP the site, together with the more expansive area of open land immediately to the north, was allocated for residential development. This site, referred to as 'Land at Cliff Hill, Leak Hall Crescent, Denby Dale, Huddersfield' measures 3.24ha and has an indicative capacity of 113 no. dwellings.
7. Under policy LP65 of the KLP there is an expectation that sites allocated for housing development will be granted planning permission as long as the proposals accord with the requirements set out for each respective allocation, other relevant development plan policies and any further stipulations identified on the Policies Map.
8. Policy LP5 of the KLP states that masterplans for sites will be sought where they are feasible and appropriate. All relevant stakeholders are to be involved in their preparation prior to submission of a planning application. As part of the justification for the policy (paragraph 6.23) the Council states that it will normally require a masterplan to be submitted where there are multiple land ownerships. For the purposes of completeness, it should be noted that there were no further stipulations on the Policies Map.
9. Since the site HS144 is in multiple ownership one would assume that a masterplan is required. However, in contrast to the wording of the section headed 'other site specific requirements' for housing allocations HS2, HS3, HS11, HS22, HS23, HS47 and HS61 there is no mention within the corresponding section for HS144 of any need for a masterplan. Notably, these other sites are all considerably larger than the appeal site with indicative capacities ranging from 280 no. units (HS47) to 4,000 no. units (HS61).
10. Given that the Council was probably aware of the multiple ownership issue when it allocated the appeal site in its local plan for development it is not unreasonable to assume that it omitted any reference to the need for a masterplan because it considered that one was not necessary. The Council cannot simply interpret its own policy in a way convenient to its own position. Consequently, I do not think that it is correct to hold that the appellant's failure to have collaboratively engaged in drawing up a masterplan constituted a breach of LP5.
11. Moving onto the housing density matter I note that policy LP7 of the KLP stipulates that, where appropriate, developments should achieve at least 35 dwellings per hectare. Notwithstanding the limitations imposed by topography as previously noted it seems that, using the Council's density target and assuming a net developable area of around 0.3ha, the site could accommodate around 10 no. units instead of the proposed 4 no. units.

12. As the Council notes, this is a significant loss of development yield and inconsistent with the need for the effective use of scarce building land. Consequently, I conclude that the appeal proposal breaches policy LP7 of the KLP and find that it is also non-compliant with paragraph 123 c) of the Framework which encourages the efficient use of land where appropriate.

#### *Highway Access Arrangements*

13. In its statement the Council contends that it was envisaged during the local plan examination that the entire HS144 site would be accessed from Leak Hall Lane to the north-east. The Council's highways and transportation officer stated that there was inadequate information within the application on which to make an informed judgment about the suitability of the proposed access arrangement from between nos. 5 and 6 Chapel Court on Cumberworth Lane.
14. Policy LP21 of the KLP requires applicants for planning permission to provide sufficient information to show that new development can be safely accessed by pedestrians and other road users. In its statement the Council indicated that the new access road was not capable of being adopted due to the width restriction between the two Chapel Court properties. It went on to say that a development of more than 4 no. dwellings would require to be served by an adopted road.
15. Due to this width restriction the appellant acknowledges that it would not be possible to incorporate a pavement for pedestrian access to the site from Cumberworth Lane. Instead, the appellant would include a 600mm hard margin on either side of the 5.5m wide road access. Because of the limited space for pedestrians on this hard margin, vehicle speeds onto and within the development would be limited to 15mph and could be secured by condition were other matters acceptable.
16. From my inspection of the site and the associated documents I have arrived at the view that whilst the proposed road might not achieve the standard required for adoption by the Council it would nevertheless provide a safe means of vehicular and pedestrian access to the development subject to the speed restrictions proposed by the appellant. For the record, I am also satisfied that the proposed visibility splays would be satisfactory. Consequently, I find that the proposal is compliant with Policy LP21 of the KLP.

#### **Conclusions**

17. Having considered the findings above I conclude that on balance the proposal is contrary to the development plan. Consequently, I dismiss this appeal and refuse planning permission for the proposed development.

*William Walton*

PLANNING INSPECTOR





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

## **PLANNING POLICY**

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

### **National Policy/ Guidelines**

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

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

## **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 54 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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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

**Subject: Planning Application 2019/90155 Change of Use and alterations to convert trade counter retail unit to function room Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU**

#### APPLICANT

Messrs Patel, Patel and  
Adam, A&P UK Ltd

#### DATE VALID

22-Jan-2019

#### TARGET DATE

19-Mar-2019

#### EXTENSION EXPIRY DATE

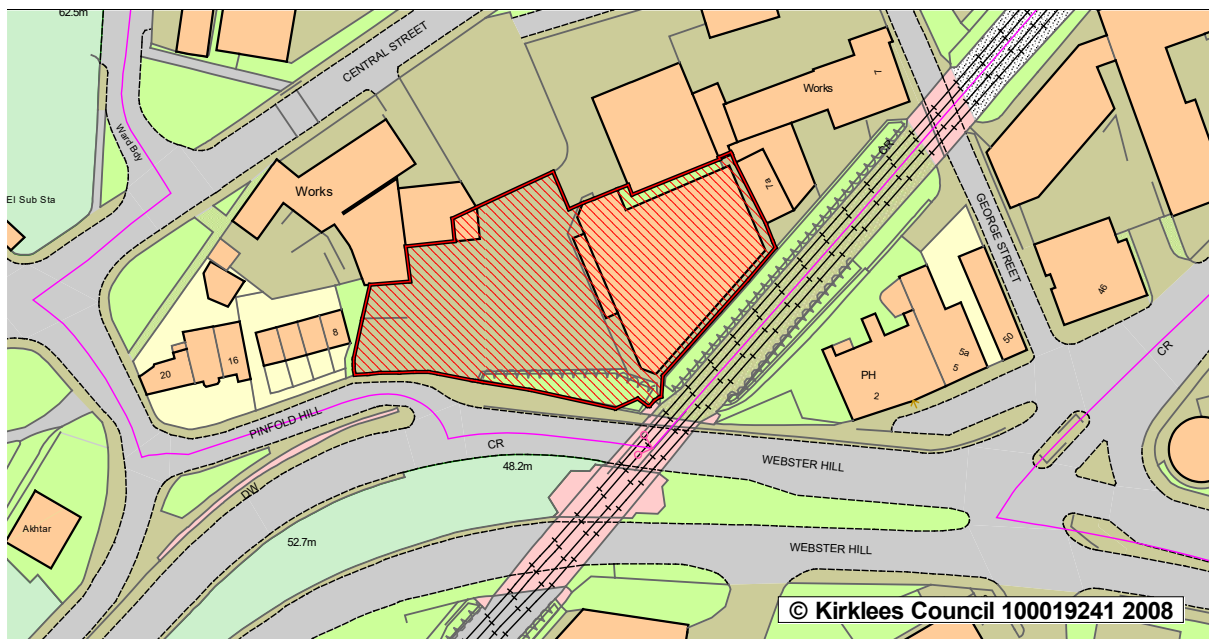
15-Jan-2020

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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

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**Electoral Wards Affected: Dewsbury East.**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

**REFUSE**

**1. The applicant has failed to demonstrate within the submitted Impact Assessment that the proposals would not have a significant adverse impact upon the viability of existing businesses within the defined Town Centre of Dewsbury and the wider vitality of the Town Centre. The proposals are therefore considered to be contrary to the aims of Policies LP 13 and LP 18 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.**

**2. The applicant has failed to demonstrate that the proposals would not have an unacceptable adverse impact on highway safety and the operation of the local highway network. The proposals are therefore considered to be contrary to the requirements of Policies LP 16, LP 21 and LP 22 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

1.1 This application was originally brought to the 17<sup>th</sup> October 2019 Heavy Woollen Committee at the request of Ward Councillor Lukic as the application has generated significant public interest and concerns over noise and highway issues and potential inaccuracies / omissions in the supporting information.

1.2 The application was recommended for refusal for the following reasons:

*1. The applicant has failed to demonstrate within the submitted Impact Assessment that the proposals would not have a significant adverse impact upon the viability of existing businesses within the defined Town Centre of Dewsbury and the wider vitality of the Town Centre. The proposals are therefore considered to be contrary to the aims of Policies LP 13 and LP 18 of the Kirklees Local Plan and Chapter 7 of the National Planning Policy Framework.*

*2. The applicant has failed to demonstrate that the proposals would not have an unacceptable adverse impact on highway safety and the operation of the local highway network. The proposals are therefore considered to be contrary to the requirements of Policies LP 16, LP 21 and LP 22 of the Kirklees Local Plan and Chapters 9 and 12 of the National Planning Policy Framework.*

- 1.3 The application was deferred at the 17<sup>th</sup> October 2019 Committee by members in order to allow the applicant additional time to provide further information regarding the Impact Assessment (officers suggested reason for refusal 1) and highways (officers suggested reason for refusal 2).
- 1.4 Following deferral of the application, further discussion has taken place between the applicant / agent and officers. This has resulted in the submission of additional information in the form of a Highways Technical Note 4, a Parking and Events Management Plan, a Sequential Test and Impact Assessment and an amended layout plan of the building demonstrating the seating arrangement. The further information has been assessed by officers and is referred to in the main report below.
- 1.5 An extension of time to the determination date has been agreed on the application until January 15<sup>th</sup> 2020.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The building is a large brick building with a grey metal clad pitched roof, located in an elevated position above the adjacent dual carriageway. There is a car park to the front of the building with an access from Pinfold Hill close to the junction with Huddersfield Road/Webster Hill.
- 2.2 The warehouse consists of a large storage area with a showroom and small trade counter; there is a further storage area on a mezzanine level above the showroom.
- 2.3 Immediately adjacent to the south east boundary of the site runs the Trans-Pennine railway on an elevated viaduct close to Dewsbury Railway Station.
- 2.4 To the north and east of the site are other small industrial buildings and workshops, and to the west, adjacent to the car park is a row of terraced dwellings.
- 2.5 The site is unallocated on the Kirklees Local Plan and outside of the defined Dewsbury town centre.

## **3.0 PROPOSAL:**

- 3.1 The proposal is for the change of use and alterations to convert the existing trade counter retail unit to a function room; the supporting information states that this would be used for birthday parties, weddings, parties generally and other celebratory events.
- 3.2 The proposals involve alterations to the external appearance of the building in the form of the application of coloured polymer render to the front elevation. The existing window frames will be painted grey.
- 3.3 A Transport Assessment has been submitted with the application which provides details of parking arrangements and how the premises would be accessed by other modes of transport including walking.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 91/01520 Erection of single storey warehouse and sales outlet - Approved

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 20/02/19 - Sequential Retail Test and Impact Assessment requested and subsequently received.

24/06/19 - Additional information received. Updated Retail Sequential Test and Highways Technical Note 2.

2/08/19 - Highways Technical Note 3 received.

4/11/19 – Meeting held between officers and applicant and agent to discuss possible way forward with the application and the information required.

14/11/19 – Additional information received: Updated Retail Impact Assessment, Highways Technical Note 4 and internal layout plan.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The application site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (2019):**

**LP 1** - Presumption in favour of sustainable development

**LP 13** - Town centre uses

**LP 16** - Food and drink uses and the evening economy

**LP 18** - Dewsbury Town Centre

**LP 21** - Highway safety and access

**LP 22** - Parking

**LP 24** - Design

**LP 51** - Protection and improvement of local air quality

**LP 52** - Protection and improvement of environmental quality

#### **6.3 Supplementary Planning Guidance / Documents:**

None relevant

#### **6.4 National Planning Guidance:**

**Chapter 2** – Achieving sustainable development

**Chapter 6** – Building a strong, competitive economy

**Chapter 7** – Ensuring the vitality of town centres

**Chapter 8** – Promoting healthy and safe communities

**Chapter 12** – Achieving well designed places

**Chapter 15** – Conserving and enhancing the natural environment

## Access Considerations

- 6.5 The proposals are for a change of use and would include alterations to the entrance to the building, as such the applicant would need to consider providing inclusive public access. Paragraph 127 f) of the NPPF suggests that planning decisions should ensure that developments create places that are safe, inclusive and accessible; and Policy LP24 of the Kirklees Local Plan states that proposals should promote good design by ensuring that the needs of a range of different users are met, including disabled people.
- 6.6 The Code of Practice BS 8300 and Part M of the Building regulations are the most appropriate method for this to be delivered and a footnote shall be included with any permission drawing this to the attention of the applicant.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 As a result of the statutory publicity for this application, three letters have been received (two from same person). The issues raised are summarised below:

- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.
- The Highway Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.
- If the application were approved, it would be detrimental to the town and that all the work that's been done for Dewsbury town now and in the future, would be undone.
- The only access to the building is from Huddersfield Road and there are only 40 parking spaces ... the use is likely to cater for significantly more people than the 200 indicated which would lead to convoys of vehicles.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways Development Management** – Following receipt of further information, do not object to the proposals providing the maximum number of guests is restricted to 200. Conditions needed requiring the following:

- Details of the proposed three year monitoring programme carried out by the applicant to identify any highway safety issues and provide mitigation where necessary.
- A detailed car park / events management plan.

**KC Environmental Health** - No significant objection however concerns raised regarding disturbance from noise. If approval were to be granted, conditions recommended regarding submission of a noise report, noise management plan, lighting report and electric vehicle charge point.

**Network Rail** - No objection in principle. A Method Statement is required regarding the installation of the external stairs.

## 8.2 Non-statutory:

**KC Town Centre Policy Team** – Still have concerns with regards to the level of impact on the Courts Banqueting and Conference Suite and the impact on the vitality and viability of Dewsbury Town Centre as a whole in particular due to the high level of vacant units and declining footfall.

**Crime Prevention** - General advice received regarding the security of the building, car park and any cycle storage facilities.

## 9.0 MAIN ISSUES

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

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application relates to the change of use of an existing business premises to a function room/wedding venue.
- 10.2 Policy LP1 of the Kirklees Local Plan (KLP) suggests that the Council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area. Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Chapter 7 of the National Planning Policy Framework (NPPF) is relevant and suggests that main town centre uses should be located within town centres. In this instance, the proposed use is for a wedding venue / function room; this would be considered a main town centre use.
- 10.4 Consistent with the above, Policy LP13 of the KLP suggests that town centres (as defined in Policy LP13), should be the focus for the provision of retail and local services. As this site is not within a defined town centre, a Sequential Test is required to show why town centre premises are not suitable.
- 10.5 In addition, the floorspace of the building, at 826 square metres for the venue, would exceed the threshold of 300 square metres in this case, given in Policy LP13 of the KLP whereby an Impact Assessment on Dewsbury Town Centre is also required.



- 10.6 Policy LP16 of the KLP is also relevant for the above proposals and deals with food and drink uses and the evening economy. Proposals can be acceptable outside of a defined centre subject to the requirements of Policy LP13 in terms of the Sequential Test and Impact Assessment and subject to the following criteria:
- The impacts of noise, general disturbance, fumes, smells, litter and late night activity, including those impacts arising from the use of external areas;
  - The potential for anti-social behaviour to arise from the development, having regard to the effectiveness of available measures to manage potential harm through the use of planning conditions and / or obligations;
  - The availability of public transport, parking and servicing;
  - Highway safety;
  - The provision of refuse storage and collection; and
  - The appearance of any associated extensions, flues and installations.
- 10.7 In terms of the Sequential Test, an initial supporting statement was submitted on 20/02/19; this suggested that the catchment area would be Dewsbury, but failed to clearly define why, in terms of the business model this was the defined area of search. A number of town centre premises were identified and discounted as not fulfilling the requirements of the applicants.
- 10.8 A Town Centre Impact Assessment was also submitted but did not include an assessment of the current health of Dewsbury Town Centre and the likely trade draw that may occur.
- 10.9 Amended supporting information was received on 24/06/19 and provided additional information regarding the scope of the Sequential Test and the size of building required. The Council's Town Centre Policy officer noted that whilst there was no further information regarding the business model, the information stated that the venue was intended to serve the local community within the Dewsbury area. Read in conjunction with the Design and Access Statement which refers to the function room being for the "*local community to be used for birthday parties, weddings, parties generally and other celebratory events*", the Policy Officer is satisfied that this addresses the requirements for the Sequential Test.
- 10.10 With regard to the Impact Assessment on Dewsbury Town Centre additional information was received on 14/11/19. The applicant agrees that the proposal would compete with the Courts Banqueting and Conference Suite located within Dewsbury Town Centre. The applicant also states that the proposal has been amended to reduce the capacity to 200 covers, significantly below the capacity of the Courts Banqueting and Conference Suite. However, whilst the Courts has a higher capacity than the proposal it can also cater for functions below 200. Therefore it is considered that the new proposal would draw trade from Courts and subsequently potentially have an impact on linked trips to other services and facilities within Dewsbury Town Centre and therefore on vitality and viability.

- 10.11 It is acknowledged that it is difficult due to the nature of the leisure proposal to obtain detailed and reliable information to address quantitative issues such as turnover and trade draw. However, the applicant has not provided any further detail in terms of their business model and research for the proposal such as how many functions/weddings have been held in the catchment area over the last three years which would indicate the demand and whether or not this demand is predicted to grow. Information is required to show how many functions and type of function would be diverted away from the Courts Banqueting and Conference Suite.
- 10.12 Without this information, officers still have concerns with regards to the level of impact on the Courts Banqueting and Conference Suite and the impact on the vitality and viability of Dewsbury Town Centre as a whole, in particular due to the high level of vacant units and declining footfall.
- 10.13 In addition, whilst reference is made to the location being highly accessible to the town centre, it is separated from the Town Centre by a railway line and Dewsbury ring road. Pedestrians would need to walk under and then cross Dewsbury ring road to access the centre. As such, it is considered that the number of linked trips would be limited.
- 10.14 Dewsbury Town Centre is in decline, with the latest Council Annual Monitoring Report showing that 94 units were vacant (31.0%) equating to 9,142 sq m of vacant floorspace (23.1%). The applicant has failed to fully address the impact of the proposals on the health of Dewsbury Town Centre, and therefore the Impact Assessment cannot be considered to have been passed, contrary to Policy LP13 of the KLP and Chapter 7 of the NPPF.

#### Urban Design issues

- 10.15 The main external alterations to the building would be the changes to the front elevation in the form of a polymer render and the painting of the existing window frames in a grey colour. The amended plans, received 14/11/19 now show the external staircase, to provide a fire exit for the mezzanine level, has been removed from the proposals.
- 10.16 These alterations would be minimal and, in the opinion of officers, would help to improve the appearance of the front elevation with a more contemporary design.
- 10.17 Providing the colour of the render is appropriate, details of which can be secured via condition, the proposals, in terms of visual amenity, are considered to be in accordance with the aims of Policy LP24 of the KLP and Chapter 12 of the NPPF.

#### Residential Amenity

- 10.18 The proposed development would be within a mainly business / industrial area, however there are also residential properties close to the site, particularly those on Pinfold Hill which adjoin the car park. There are potential noise concerns therefore from a venue of this type and Environmental Health were consulted.

- 10.19 The initial response was based on the submitted Noise Statement which did not make reference to the residential properties on Pinfold Hill. Further comments were sought with this in mind and a more detailed response received.
- 10.20 The Environmental Health officer has not objected to the proposals however, concerns have been raised based on Environmental Health experience with other similar venues. There is potential for disturbance both from guests celebrating outside of the building and from the significant increase in the volume of traffic using the car park.
- 10.21 A number of standard Environmental Health conditions have therefore been recommended, should approval be granted. These include:
- Entertainment noise inaudibility condition; this would require the submission of a noise report to show that all entertainment noise would be inaudible at properties on Pinfold Hill and Webster Hill.
  - Noise management plan; this would require the submission of a plan which would consider noise from a series of sources which could affect nearby properties and show how this would be managed.
- 10.22 There is also the potential for additional lighting to be installed both for security and for the guests leaving and arriving in the dark; this could also have the potential for disturbance and a condition is suggested requiring the submission of a lighting scheme should planning permission be granted.
- 10.23 The above conditions are considered reasonable in order to address issues of residential amenity and as such the proposals are considered to be in accordance with Policies LP16, LP24 and LP52 of the KLP and Chapters 12 and 15 of the NPPF.

#### Landscape issues

- 10.24 The site has very little in the way of opportunities for any landscaping given that most of the ground is either covered by the building or the tarmac car-park. The only space available is the banking onto Webster Hill which already contains a variety of shrubs. This should be retained as it provides some screening between the highway and the venue and has some amenity value. Should planning permission be granted, a condition can be included to this effect and as such the proposals are considered to be in accordance with the aims of Policy LP24 of the KLP.

#### Highway issues

- 10.25 The application involves a change of use of the premises from an electrical wholesalers to a venue for weddings and other celebratory functions. There are no prescribed figures for parking requirements within the Kirklees Local Plan or the Draft Highways Design Guide; neither does National planning policy give such specific guidance.

- 10.26 With a venue of the scale proposed, having a floor area of 826 square metres and up to 400 guests, as originally proposed, a Transport Statement was required to assess how issues of parking, access and highway safety would be dealt with.
- 10.27 An initial Transport Assessment was submitted with the application along with layout plans which show 34 parking places and a one-way system for vehicles to access from Central Street and leave by Pinfold Hill to the south.
- 10.28 The report concluded that, because of the location, the provision of 34 parking spaces would be acceptable and there would be no significant negative impact on the highway network or highway safety.
- 10.29 The Highways Development Management (HDM) officer was consulted and commented that the number of parking spaces has been under-estimated for this type of venue and that there have been parking problems around the site with drivers blocking Pinfold Hill and double parking on Central Street. According to the Council's Highway Safety team, this has required Police intervention on several occasions.
- 10.30 The report does not provide any trip generation information other than what the Council's Highways DM officer has termed "the fundamentally flawed assumption" that because there are 34 parking spaces provided, this proposal would produce only 68 two way trips. The applicant was therefore advised to identify a similar local banqueting suite and carry out a full multi-modal trip generation survey to TRICs standard if possible.
- 10.31 The Council's Highways DM officer is also concerned that the confusing layout and lack of any markers or signs to promote the one-way system may lead to vehicles exiting through Central Street.
- 10.32 It is the Council's Highways officers' assessment that the nature of the venue means that the number of parking spaces should more closely equate to those for a restaurant and as such the requirement would be around 138 spaces which is unlikely to be deliverable in this location.
- 10.33 A further Technical Note 2 was submitted in response to the Highways DM comments. This provides a map and a list of alternative public car parks nearby and on-road parking opportunities. A Parking Management Plan was also proposed.
- 10.34 The Highways DM officer has responded that these car parks are mostly Pay and Display and no account has been taken of additional use on Saturdays. The report does not satisfactorily demonstrate what the trip generation and this parking demand for this type of development would be or that it can be managed without exacerbating the existing parking and traffic issues in the immediate area.
- 10.35 The Parking Management Plan would be welcomed if it could adequately manage the parking demand however no further details have been submitted.
- 10.36 Technical Note 3 was submitted on 2/08/19 in response to the Highways officer comments on Technical Note 2.

- 10.37 Information has been provided regarding the parking demand for the site which states that on Saturday peak demand is likely to be for 92 spaces leaving the site 58 spaces short. Additional survey information suggests that the current level of parking within the nearby car parks and on Central and Wormald Street is lower than during weekdays. According to the submitted Statement this could therefore provide some of the additional parking required along with uncontrolled on-street parking to the north of the site on Wormald Street and Central Street.
- 10.38 An additional plan was also submitted showing vehicle swept paths for a stretch limousine being able to enter the site from Central Street and leave via Pinfold Hill.
- 10.39 Technical note 3 also suggests that, whilst the capacity of the venue would be 400 people this is only likely to happen on Saturday and Sundays with the maximum on Sundays being around 300.
- 10.40 The Highways DM officer has responded and is concerned that there is no evidence provided in the way of trip generation details to support the suggestion that there would be less visitors on Friday than Saturday and Sunday.
- 10.41 Using the applicants own calculations that the car park would be 58 places short, would cause the displacement of these 58 vehicles back onto the local highway network looking for suitable parking. There is concern that many of these vehicles would arrive at the site to try to use the car park which is already full, causing congestion around the site.
- 10.42 Guests using these vehicles are more likely to try to use the free on street parking to the north of the site rather than the town centre pay and display parking. Kirklees Highways Team has received complaints concerning parking issues on these streets with obstruction issues and vehicles failing to obey the one way system on Pinfold Hill. None of the Technical Notes have suitably addressed this issue and the Highways DM officer would not want to see any development in the area which may exacerbate these concerns.
- 10.43 With regard to the proposal for coach drop-off and pick up point, Tech note 3 suggests that this could be done on a section of Central Street, however this space cannot be guaranteed and may lead to coaches dropping off at unsuitable locations such as Pinfold Hill and Huddersfield Road causing obstruction and safety issues. This has not been addressed in the submitted information.
- 10.44 Technical note 4 was submitted on 14/11/19 and proposes to reduce the maximum number of guests to 200, a plan has been submitted to show a seating arrangement of tables over the ground floor and mezzanine levels which totals 200 covers.
- 10.45 The proposals include a “first principle” assessment of the likely car parking demand. The applicant has stated that observation of other similar venues was not practical due to the agreement of 3<sup>rd</sup> parties being required and this was accepted by the Highways officer.

- 10.46 This assessment would suggest a peak demand of 46 car parking spaces being required based on a car occupancy of 3 to 4 people, resulting in an overspill of approximately 12 vehicles which would likely try to find parking places on the surrounding highways.
- 10.47 A Parking and Events Management Plan (PEMP) is also proposed. The parking plan suggests that 34 tickets would be available for the first 34 cars at the site with others being advised to use the Council car parks, this would be publicised in advance. There are no details as to how this would be enforced.
- 10.48 A coach parking facility is also proposed at a nearby site approximately 800m from the venue, with mini buses to ferry the passengers to and from the venue. This has been agreed with the owner of the site although this area of land has not been included within the red line boundary of the application site.
- 10.49 The technical note proposes that the applicant would be willing to fund any traffic management restrictions in surrounding streets should a recognised safety problem arise resulting directly from an event taking place at the venue within the first three years of the first event taking place.
- 10.50 The Council's Highways DM officer has responded to these proposals. The response is based on the event being limited to no more than 200 guests and the assumption that all non-car owning guests will travel by public transport.
- 10.51 The Highways DM officer has commented that the likely parking demand would, according to the officer's calculations, be somewhere between the 46 suggested by Technical Note 4 and 67 places. This latter figure is based on an assumption that not all non-car owners would travel by coach as suggested by Technical Note 4 and some may travel as passengers in the cars. This would increase the realistic demand for car parking.
- 10.52 With regard to the proposals for a traffic management plan, the Highways DM Officer has noted that the applicant has offered to fund any traffic management issues that may arise in the first three years after the first event. However no further details have been submitted with regard to possible measures and or any financial limitations to the mitigation which may be required.
- 10.53 The Highways DM officer has suggested two conditions would be required should approval be recommended, these are:
- Details of the three year monitoring procedure, including any limitations to the mitigation which can be applied.
  - Details of a Car Park/Events management plan which shall include details of:
    - i. Liaison member of staff and contact details.
    - ii. Method of informing residents of events taking place.
    - iii. Information on travel options and booking systems for parking spaces.
    - iv. Car park attendants.
    - v. Overflow parking plan and monitoring of issues caused by overflow parking including limitations to mitigation for issues arising due to overflow parking.
    - vi. Mechanism for review of the Car Park Management Plan.
    - vii. There are concerns that any condition to require the above is unlikely to be enforceable as to cover all the possibilities which may arise.

- 10.54 It is important to note that the proposals are considered acceptable by the Highways DM officer subject to the imposition of the above conditions and the capacity being restricted to no more than 200 guests.
- 10.55 The case officer has concerns about the ability of the LPA to restrict the capacity of the venue to 200. In the first instance because the original figure proposed was for up to 400 guests; a reduction of 50% to the number of guests allowed would have a significant impact on the potential income for the business, however this has not been possible to assess without any business model being submitted to the LPA as requested by the Town Centre Policy officer. Secondly, a building of this size with the number of fire escapes proposed is more likely to have a capacity of 600 guests (Building Regs Part B1).
- 10.56 Given the above, it is considered that it would be unreasonable to impose a condition which would restrict the number of guests to 200 when it is highly unrealistic that the premises would operate in accordance with such a condition. As such, the imposition of the suggested highway conditions regarding the 3 year monitoring and the Car park/events management plan, would still not address the issues of highways safety and the efficient operation of the highway network. As such, the proposals are therefore considered to be contrary to the aims of Policies LP16, LP21 and LP22 of the KLP.

#### Drainage issues

- 10.57 The application is for a change of use to an existing building with all surface water and foul drainage to be retained as existing.

#### Representations

- 10.58 Three letters received, two of which from the same person. The issues raised are summarised and responded to by officers below:
- Accuracy of the supporting information which does not mention houses on Pinfold Hill regarding the impact of noise.  
**Officer Response:** Environmental Health has considered these properties in a Consultation response and has requested conditions should approval be granted.
  - The Highways Statements fail to address the issues of coach parking and the use of other car parks by 3 other banqueting suites.  
**Officer Response:** This has been considered by the Highways officer in his consultation responses to the application and the subsequent assessment of the proposals.
  - If the application were approved, it would be detrimental to the town and that all the work that's been done for Dewsbury town now and in the future, would be undone.  
**Officer Response:** Noted. As set out in the principle of development section of this report, officers also have significant concern regarding the impact on the viability of Dewsbury Town Centre. This form recommended reason for refusal 1.

- The only access to the building is from Huddersfield Road and there are only 40 parking spaces ... the use is likely to cater for significantly more people than the 200 indicated which would lead to convoys of vehicles.  
**Officer Response:** Noted. This also remains a significant concern of officers, as set out in the Highway Issues section of this report and forms the recommended reason for refusal 2.

### Planning obligations

- 10.59 The application is of a scale and type which would not trigger any planning obligations. There are no other agreements into which the applicant and the Council have entered.

### Other Matters

#### Air Quality:

- 10.60 In accordance with the West Yorkshire Low Emission Strategy Planning Guidance, a condition is suggested requiring the installation of electric vehicle charge points in 10% of parking spaces. This can be phased in if required.

#### Network Rail:

- 10.61 The building is immediately adjacent to the Trans Pennine railway; Network Rail has raised concerns with the close proximity of the proposed external staircase to the railway boundary. This has now been removed from the proposed plans and there are no other works proposed to this elevation.
- 10.62 Given the above there is now no need for the applicant to submit a Method Statement to the Local Planning Authority, however a footnote should be included with any decision notice drawing the attention of the applicant to the comments made by Network Rail.

## **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.
- 11.2 The applicant has submitted a further Highway Technical Note 4. The Highways DM officer has assessed this based on the maximum number of guests being 200 however as discussed above it would be difficult to enforce this as a maximum number, particularly when the building has a potential capacity of 600 and that the initial proposal was for up to 400 guests.
- 11.3 Furthermore without the full information as to the business model proposed it is difficult to know the impact that restricting the capacity to 200 (assuming this was enforceable) would have on the future viability of the business and hence future pressure on the LPA to relax this limit.
- 11.4 Given that it would not be reasonable to impose a condition on the applicants restricting the limit to a maximum of 200, it follows that there would then still be the highway safety issues and adverse impact on the highway network arising from the development.



- 11.5 Whilst the proposals would be acceptable in terms of the visual amenity and could, subject to appropriate conditions, be made acceptable in terms of residential amenity, the applicant has failed to fully address the issues of highway safety, the impact on the operation of the local highway network and the impact of the development on the vitality and viability of Dewsbury Town Centre.
- 11.6 It is considered that the development would not constitute sustainable development and is therefore recommended for refusal.

**Background Papers:**

Application and history files -

*Application web link:-*

**2019/90155** <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f90155>

Certificate of Ownership – Certificate A signed and dated 18/01/2019

*History File:-*

**91/01520** <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=91%2f01520>

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

**Subject: Planning Application 2019/90183 Erection of 14 dwellings and associated works Land off, Station Road, Skelmanthorpe, Huddersfield, HD8 9TT**

#### APPLICANT

Newett Homes

#### DATE VALID

29-Apr-2019

#### TARGET DATE

29-Jul-2019

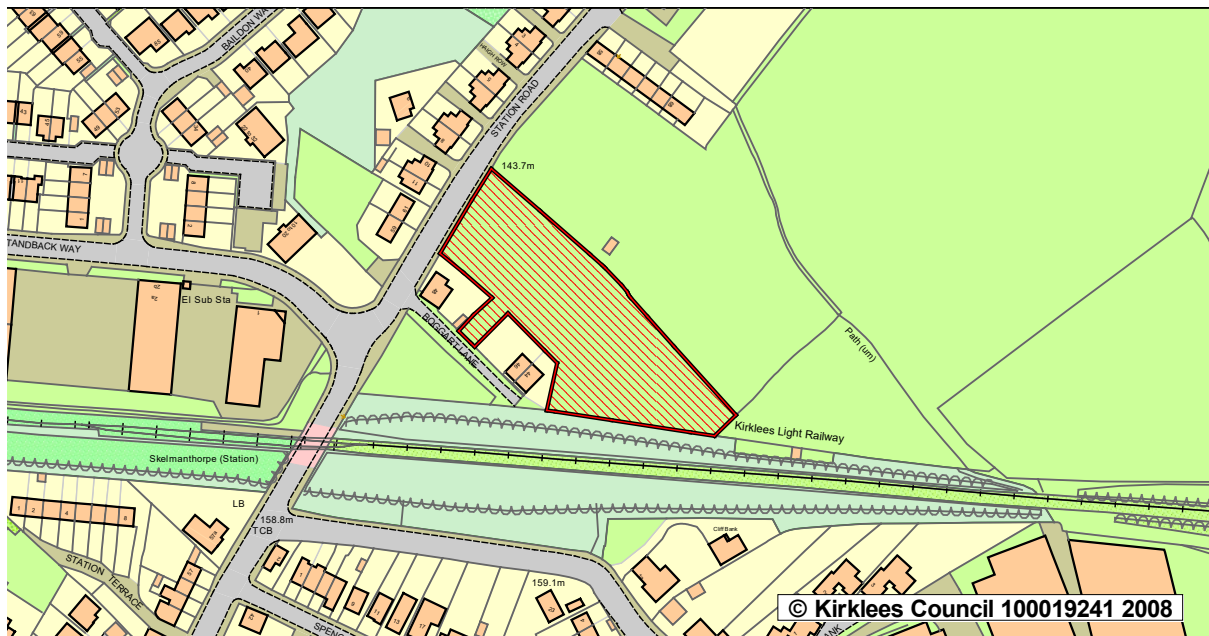
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Denby Dale**

Y

Ward Members consulted (referred to in report)

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**POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.**

**1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission, for a residential development of 14 dwellings.
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as it relates to land within the same site allocation as another planning application currently under consideration (ref: 2019/91657). A report for that other application is to be considered at the same meeting of the Heavy Woollen Sub-Committee. Although submitted by different applicants, the two applications are linked in many respects.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.4 hectares in size and is a greenfield site located on the southeast side of Station Road at Skelmanthorpe. There is an existing field access off Boggart Lane which is an un-adopted lane to the south of the application site and which serves three existing dwellings. Levels within the application site slope downhill to the north, and the field is delineated by stone walls and hedgerows. Trees exist adjacent to the field access and the southern boundary, and trees at the east end of the site are protected by TPO 11/19/g1. To the south and west of the site are residential properties accessed from Station Road and Boggart Lane, and the Kirklees Light Railway follows a route to the far south-east of the site. The site forms part of a 1.28 hectare housing allocation (reference HS134) in the Kirklees Local Plan.

**3.0 PROPOSAL:**

- 3.1 The application seeks full planning permission for the erection of 14 dwellings.
- 3.2 The majority of the plots would be served from a proposed estate road accessed from Station Road, which would follow a route along the northern boundary of the site. The planning application consists of three 2-bedroom (terrace), six 3-bedroom (semi-detached), four 4-bedroom (detached) and one 5-bedroom (detached) dwelling houses.

- 3.3 The proposed dwellings would be predominately two storeys in height, however plots 9-14 would have accommodation over three floors, utilising the change in site levels. No details of facing materials have been provided.
- 3.4 No on-site publicly-accessible open space is proposed.
- 3.5 A terrace of 3x 2-bedroom affordable dwellings are proposed adjacent to Station Road.
- 3.6 Each dwelling house has in-curtilage car parking, and visitor car parking is proposed within two layby arrangements, adjacent to plots 1-3 and plots 5-6.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 Relevant planning history includes:
- 2017/92217 Erection of 10 dwellings – Refused 27/09/2017 due to matters regarding Green belt, design, highway layout, drainage, biodiversity and public open space in relation to the previously adopted Local Plan policies.
  - 2017/91487 Formation of a new vehicular access – Conditional Full Permission granted 18/08/2018.
  - 2019/91540 – Erection of detached dwelling – Conditional Full Permission granted 28/11/2019.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 During the life of the application, extensive discussions have taken place between officers and the application team with regards to masterplanning, density, housing mix, affordable housing, drainage, highways, ecology and trees.
- 5.2 The applicant has increased the number of proposed dwellings from 10 to 14, with three affordable dwelling houses now proposed. The planning application is supported by an amended layout and elevations. Supporting information is currently being updated to reflect the proposed change in number of dwelling units and to address the consultee comments previously made for the 10 dwelling scheme.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

##### Kirklees Local Plan (2019):

- 6.2 The site forms part of site allocation HS134 (formerly H72). HS134 relates to 1.28 hectares (net and gross), sets out an indicative housing capacity of 44 dwellings, and identifies the following constraints:
- Potential drainage issues relating to site topography
  - Part of site is within a High Risk Coal Referral Area

### 6.3 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP47 – Healthy, active and safe lifestyles
- LP48 – Community facilities and services
- LP49 – Educational and health care needs
- LP50 – Sport and physical activity
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land
- LP63 – New open space
- LP65 – Housing allocations

#### Supplementary Planning Guidance / Documents:

### 6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highways Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## National Planning Policy and Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.6 Since March 2014 Planning Practice Guidance for England has been published online.

6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised as a major development that would affect a public right of way.

7.2 The application has been advertised via three site notices posted on 07/05/2019, an advertisement in the local press dated 17/05/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 08/06/2019.

7.3 65 representations were received from occupants of neighbouring properties. These have been posted online. The following is a summary of the points raised:

### Principle

- Planning for housing has already been rejected on this site.
- Loss of greenbelt / greenfields / farmland.
- Many brownfield sites have not yet been redeveloped in the area.
- Planners have excluded Denby Dale's surrounding rural housing needs in favour of this site.
- This area doesn't need housing, Birdsedge needs housing to support its village services.
- Does not promote a healthy environment and is not sustainable.

- Impact on local community and character.
- Housing is fulfilled with other development sites in the area.
- Already been residential and industrial development in the immediate locality.
- Adverse impact on oversubscribed local amenities (doctors, dentists and schools).
- This will have an impact on local people's health and wellbeing.
- Concern about the overall, cumulative impact of all housing developments as a whole in this area.

#### Design and Amenity

- Unacceptable impact on existing residential amenity (privacy, overlooking, overshadowing).
- No consideration given to local building styles and building materials.
- Anywhere design and not unique to the Park Gate heritage.
- 3-storey dwellings are on an elevated land and would not be in-keeping with the locality.
- There doesn't appear to be any proposed fences for plot 1 and plot 2 gardens.

#### Highways

- Reliability and accuracy of Highways Supporting Statement queried.
- Query if entrance could be moved to Boggart Lane.
- Location of proposed junction and effect on properties in terms of vehicle headlights.
- Location of proposed junction in relation to private driveway, Boggart Lane and mini-roundabout.
- The visibility splay is inadequate and turning heads are not suitable for large vehicles.
- Unacceptable impact on road network.
- Station Road suffers from rat running and speeding, particularly at peak times.
- Local road network is unsuitable (poor condition, blind bends, single lane in places, narrow bridge, inadequate/no footpaths and unsafe junctions, high volumes) to accommodate additional traffic, particular commuter traffic.
- Station Road is dangerous particularly in the winter months.
- Exacerbate existing parking issues, which will affect highway safety as well as HGVs, emergency and service vehicles.
- Increase in noise levels, light, air pollution and disruption from cars and construction vehicles plus the use of heavy plant machinery
- There are already a number of minor accidents, which this will worsen.
- Already a high number of road works which this will worsen.
- Lack of a suitable affordable (including first-time buyers), housing mix.
- The proposal constitutes a gross over development of a semi-rural area.
- Construction traffic should not access via Boggart Lane.
- Construction should be coordinated with the adjacent development proposal.



### Environment

- Loss of natural habitat for local wildlife.
- Removal of existing hedgerow before a decision has been made.
- No trees proposed.
- Request for assurances that a boundary mature beech tree is protected.
- Likely increase in litter that will affect the local environment.

### Drainage and Flood Risk

- Increased flood risk and drainage issues, particularly downhill at Park Gate and Baildon Dike.
- Inadequate infrastructure to cope with existing surface and foul water drainage.
- People still remember 2007 floods.

### Other Matters

- Effect on views.
- Effect on house prices.
- Less safe place to live.
- Poor communication between council and residents regarding the application.
- Part of a site allocation and should mean the payment of education contributions.
- Query as to what precautions are to be made for subsidence due to the coal mining history.

### Upper Dearne Valley Environmental Trust (UDVET)

Fundamentally object to yet another development proposal which will load yet more traffic onto Station road and the Station Road/Commercial Road/Cumberworth Road junction. Station Road is heavily obstructed by double on-road/pavement parking - more traffic and access points will increase accident risk. UDVET also believe this development and the adjacent one (2019/91657) for 30 houses should be integrated in terms of style, design, access and possibly other matters (e.g. drainage) to give a more coherent and acceptable look which matches the Pennine environment i.e. the type of designs proposed in the aforementioned application. UDVET would like to see Planning officers and developers working together to achieve this. UDVET do not want to see the horrendous design mistakes, evident throughout Skelmanthorpe and off Station Road in recent times, repeated again. We believe the council needs to place good quality design which reflects the heritage of the area higher up its agenda.

7.4 Denby Dale Parish Council objected to the proposed development, making the following three comments in relation to the 10-unit scheme:

- 1) *Highways – due to the narrowness of the road towards Park Lane and the already busy road would be impacted adversely by an increase in traffic. There is also pedestrian safety to consider near Park Lane due to the lack of pavement.*
- 2) *Drainage – the Park Lane area is already subject to flood risk, and the proposal of provision of a tank which, when full, would overflow downhill towards this area, was not considered adequate. Existing drainage was not considered adequate to accommodate further developments.*

3) *Height of three properties proposed – these were considered overbearing, and would overlook other proposed neighbouring properties.*

7.5 Responses to the above comments are set out later in this Position Statement and the accompanying report relating to the adjacent site.

7.6 During writing this report the council has received additional plans and supporting information for the erection of 14 dwellings. Public re-consultation is currently under way. Should any further comments be received following the publication of this agenda, they shall be reported in the update.

## **8.0 CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### **8.1 Statutory:**

The Coal Authority (commenting on 10-unit scheme) – The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that 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, specifically likely historic unrecorded underground coal mining at shallow depth. Pre-commencement condition recommended for intrusive site investigation works.

Yorkshire Water (commenting on 10-unit scheme) – Condition recommended, requiring implementation of separate systems of foul and surface water drainage, and no piped discharge of surface water prior to completion of surface water drainage works. Applicant's Flood Risk Assessment and drainage proposals will require clarification, however this can be conditioned. Advice provided regarding sewer infrastructure.

KC Highways (commenting on 14-unit scheme) – Four visitor parking spaces are required but only two spaces are provided. No bin storage or collection points are shown on the plan. There are no plans showing a swept-path analysis of an 11.85m refuse vehicle or visibility splays. The 2-bed affordable houses would only have 1 parking space each. A 2.0m width foot path would be required for the Station Road frontage. An updated Transport Statement is required to reflect the increase in dwelling numbers.

KC Lead Local Flood Authority (commenting on 10-unit scheme) – Kirklees Flood Management & Drainage as Lead Local Flood Authority OBJECTS to this application on flood risk and drainage grounds. Further study and dialogue is required in order to produce an acceptable master plan for drainage that minimises the risk of cumulative development on local drainage networks. The masterplan should include the whole site allocation in the local plan which this application only forms part of.

## 8.2 **Non-statutory:**

KC Biodiversity Officer (commenting on 10-unit scheme) – The applicant should follow the recommendations in the PEA. Main concern with this site is the potential for harm to the ‘function and connectivity’ of the Kirklees Wildlife Habitat Network.’ A suitable buffer is a sensible means to prevent impacts here.

KC Education (commenting on 10-unit scheme) – As the proposed development is for less than 25 units, there will not be a response from Education. Comments have been sought with regard to the entire site allocation.

KC Environmental Health – Conditions recommended for land contamination, noise, charging points (air quality), as well as a number of footnotes referring to advice documentation and construction site noise.

KC Planning Policy – (commenting on 10-unit scheme) – There are two separate planning applications for the development of housing on the site allocation. As it stands, the two layouts have little regard to each other and need to have regard to policies LP5, LP7 and LP24. Guidance also provide in relation to policies LP11, LP28 and LP28.

KC Strategic Housing – (commenting on 10-unit scheme) – No affordable housing required for the 10 dwellings scheme but 20% would be required across the whole site allocation.

KC Trees (commenting on 10-unit scheme) – No objections to this proposal. Arboricultural Method Statement, written in accordance with BS5837:2012, required to show how the construction works would be carried out while avoiding damage to the trees on, and overhanging, the site.

Public Rights of Way - No comments.

West Yorkshire Archaeology Advisory Service (commenting on 10-unit scheme) – The West Yorkshire Historic Environment Record shows that there are currently no known significant heritage assets with in the area of proposed works. Therefore no archaeological work is necessary in this instance.

West Yorkshire Police Crime Prevention Design Advisor (commenting on 10-unit scheme) – Advice provided regarding the layout of the site, particularly plots 3 and 10 boundary treatments, external lighting and security measures, car parking, garages and cycle stores and bin stores.

8.3 **NOTE:** Further consultation has been carried out following receipt of the amended plans and amended description. Consultation responses shall be reported in the update.

## 9.0 **MAIN ISSUES**

- Land use, sustainability and principle of development
- Urban design
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues

- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL

### Land use, sustainability and principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a wider housing site allocation (ref: HS134), to which full weight can be given. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H72) stated:
- The site is well related to the settlement and contained by residential development to the west and part of the northern and southern boundaries. Field boundaries to the east/north-east would provide new defensible green belt boundaries. In this context, and taking account of identified housing needs and the sustainability of the village, I conclude that exceptional circumstances exist to justify the release of the site from the green belt.*
- 10.4 The 14 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.5 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.6 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.

- 10.7 With 14 units proposed in a site of 0.4 hectares, a density of 35 units per hectare would be achieved. This is compliant with the minimum density expectation set out in Local Plan policy LP7, suggests efficient use of the site, and is welcomed. Site allocation HS134 refers to an indicative site capacity of 44 units, which the proposed development would make an adequate contribution towards. Of note, the two applications 2019/90183 and 2019/91657 would together provide the expected 44 units.
- 10.8 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.9 The application site is a sustainable location for residential development, as it is relatively accessible and is within an existing, established settlement that is served by public transport. Furthermore, Skelmanthorpe has a number of shops, eating establishments, churches, a pub, social infrastructure, employment uses and other facilities, such that at least some of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.10 With regard to climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.11 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.
- 10.12 Do Members have any comments in relation to land use, sustainability and the principle of development at this stage?**

Urban design

- 10.13 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.14 The site is subject to constraints in relation to topography, local character, drainage, highways, and the adjacent residential properties, public footpath and TPO-protected trees. Due to the site's slope, any development here would be highly visible in longer views from the north. All of these considerations will (or should) influence the design of any development at this site.

- 10.15 This application relates to the smaller part of site allocation HS134. Current application ref: 2019/91657 relates to the remainder of the site. Local Plan policy LP5 is relevant, and a masterplanning approach has been applied by officers to the entire allocated site when assessing the two proposed developments. Ideally, a single application would have been submitted for the entire allocated site, however this could not be required or enforced at this particular allocated site – it must be noted that policy LP5 in some cases will need to be applied flexibly where allocated sites are in fragmented ownership and where acceptable (yet separately-designed) schemes are brought forward. The council also cannot reasonably insist that the two parts of the site be developed simultaneously by the same developer (of note, different landowners and developers may be working to differing timeframes), or designed by the same team. However, co-ordinated development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the site allocation, is considered essential.
- 10.16 The two proposals initially submitted by the two applicant teams were not designed in co-ordination with each other. No internal connections were proposed between the two sites, very different house types, designs and unit size mixes were proposed, and the smaller site included no affordable housing. Of the two proposals, those for the larger part of the allocated site were superior in terms of design, unit size mix and efficient use of land.
- 10.17 During the life of the current application (for the larger site), officers called a joint meeting (held on 24/05/2019) with the applicant teams for both sites. At this meeting officers emphasised the need for a co-ordinated, masterplanned development across the entire allocated site HS134. Following that meeting, the smaller site's applicant commissioned the larger site's architect to prepare amended proposals, and amendments to both proposals have been submitted.
- 10.18 The proposals for the smaller site are now much improved, with 14 units proposed. As explained in the accompanying committee report for the larger site, a single point of access, and a looped estate road, would be preferable, however the applicants have demonstrated this is not possible.
- 10.19 A stepped pedestrian access point is proposed to connect with the neighbouring application site adjacent to plots 6 and 7. This would aid pedestrian connectivity in line with Local Plan policies LP20 and LP24 (d) (ii).
- 10.20 Electricity lines and poles cross site's north eastern boundary with the adjoining site, whilst telephone lines and poles can be found along the site's boundary with Station Road to the northwest. It is understood that the applicant will try and incorporate and utilise such features or explore their relocation.
- 10.21 In accordance with Local Plan policy LP28 a drainage strategy shows how flood routes would be accommodated within the proposed carriageway during extreme rainfall event and would thus avoid buildings and curtilages.
- 10.22 Do Members have any comments in relation to urban design at this stage?**

### Residential amenity and quality

- 10.23 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.24 A separation distance of 18m is proposed between plot 7 and 44/46 Boggart Lane. A separation distance of around 20m is proposed between plot 6 and the recently approved dwelling at Boggart Lane. A separation distance of 12m is proposed between plots 1-3 and 48 Boggart lane (blank gable).
- 10.25 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the site's location on Station Road (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.26 A Construction Management Plan (CMP) is required. This could be secured by condition, should planning permission be granted.
- 10.27 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.28 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. Officers have asked the applicant to provide a schedule of accommodation to demonstrate that these standards have been met.
- 10.29 Plots 1 and 7 are dual aspect properties ensuing that Station Road and the new street benefit from natural surveillance and visual interest.
- 10.30 Each dwelling house would have sufficient, accessible outdoor amenity space.
- 10.31 No on-site open space is proposed. This is acceptable, however a financial contribution towards off-site provision will be required.
- 10.32 Although some details of landscaping proposals have been shown on the applicant's drawings, further details of the development's outdoor spaces and their purpose, design, landscaping and management are required. Details of the proposed pedestrian connections to the adjacent site and public footpath would also be required.
- 10.33 Do Members have any comments in relation to residential amenity and quality at this stage?**

### Affordable housing

- 10.34 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.

- 10.35 Three of the proposed 14 units would need to be affordable. In terms of unit numbers, this represents a 21.4% provision, which meets the requirement of Local Plan policy LP11. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.36 The proposed affordable housing is proposed within a terraced block of three 2-bed dwelling houses adjacent to Station Road. This is considered to be an acceptable location for the affordable housing.
- 10.37 The applicant has stated that the council's preferred tenure mix of 55% social or affordable rent / 45% intermediate would be complied with.

**10.38 Do Members have any comments in relation to affordable housing at this stage?**

Highway and transportation issues

- 10.39 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.40 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.41 The application site has a frontage to Station Road approximately 37m in length. Station Road has footways on both sides of the carriageway, is open to two-way traffic, is subject to a 30mph speed restriction, and has no yellow line markings along its kerbs.
- 10.42 All 14 units to be accessed from a single vehicular entrance. The adjacent proposed development (ref: 2019/91657) would add another vehicular entrance to Station Road. As explained in the accompanying committee report, while it would be preferable to have a single access point for both developments, Highways Development Management officers have not raised safety concerns regarding the two access points, and the site's challenging topography prevents a single access point being provided.
- 10.43 It is recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, to ensure the use of sustainable modes of transport is encouraged and enabled. Should residential development be granted at the adjacent site to the north, the Travel Plan should also apply to that development. Travel Plan monitoring fees would also need to be secured.



- 10.44 Public footpath DEN/28/10 runs along the allocated site's northeast edge. A pedestrian connection between the application site and the adjacent site to the north will be required, to ultimately provide a link to the public footpath. This would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e.
- 10.45 Highways Development Management officers have raised a number of concerns with the latest layout (for the 14-unit scheme), including:
- There are only two visitor spaces provided where four (rounded up from one per four dwellings) should be provided.
  - No details of bin storage or collection have been shown. In particular swept-path analysis of an 11.85m refuse vehicle entering and exiting the site in a forward gear would be required.
  - No visibility splays are shown, these would need to be dimensioned on a plan to measured 85<sup>th</sup>-percentile speeds.
  - The two affordable homes only have one off-street parking space. For a two-bedroomed dwelling two spaces are expected. Some compromise may be acceptable, but this coupled with the reduced level of visitor parking is likely to lead to on-street parking. This would be particularly undesirable on Station Road. Any under-provision of parking should be justified by empirical data (TRICs, local car ownership figures etc.).
  - The footway appears to narrow on Station Road along the garden of Plot 1. A 2m wide footway would be required for the full frontage of the site.
  - The Transport Statement has not been updated to reflect the increase to 14 dwellings.

**10.46 Do Members have any comments in relation to highways and transportation issues at this stage?**

Flood risk and drainage issues

- 10.47 The site is within Flood Zone 1. The site generally slopes downhill from the south to the north. The nearest watercourse is Baildon Dike to the north.
- 10.48 A site-specific Flood Risk Assessment and Drainage Strategy was submitted by the applicant for 10 dwellings scheme and officers have subsequently requested an updated drainage strategy for the latest 14-unit scheme.

**10.49 Do Members have any comments in relation flood risk and drainage issues at this stage?**

Trees and ecological considerations

- 10.50 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is partly grassed and partly overgrown with shrubs. There are also trees and shrubs along some of the site's edges, and a Tree Preservation Order 11/19/g1 protects trees to the east. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.

10.51 The applicant submitted a Preliminary Ecological Appraisal (PEA) for the 10-unit scheme. The council's Biodiversity Officer has reviewed the document and recommended that the applicant follow the PEA's recommendations in relation to nesting birds, bats and other protected species as a precaution.

10.52 The council's Biodiversity Officer has expressed concern regarding the potential for harm to the function and connectivity of the Kirklees Wildlife Habitat Network (KWHN) and has suggested a suitable buffer as a sensible means to prevent such impacts.

10.53 In response the applicant's ecologist has subsequently provided a letter stating:

*"The KWHN comprises a number of trees on the embankment of a railway and borders a small portion of the development site boundary to the south. Within the development the land bordering this is proposed for back gardens rather than any new buildings, with the off-Site trees to be protected during construction works. As part of a sensible buffer, rather than wooden fencing panels, it is proposed a double row native species-rich hedgerow will be planted to provide complementary habitat to the designated site and a physical barrier to reduce disturbance. Additionally, any lighting within the southern area of the Site will be directional to prevent any light spill onto the gardens or KWHN."*

10.54 Comments are yet to be provided by the Biodiversity Officer regarding this proposal.

10.55 Tree Preservation Order 11/19/g1 was served during the life of the application.

10.56 The Council's Arboricultural Officer has raised no objections to the proposed development, but has requested an Arboricultural Method Statement, written in accordance with BS5837:2012, to show how the construction works will be carried out while avoiding damage to the trees on, and overhanging, the site.

10.57 The applicant has subsequently provided an Arboricultural Method Statement but comments are yet to be provided by the council's Arboricultural Officer regarding the statement.

**10.58 Do Members have any comments in relation to trees and ecological considerations at this stage?**

Environmental and public health

10.59 With regard to the West Yorkshire Low Emission Strategy the provision of electric vehicle charging points would be necessary. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.

10.60 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures that could be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.

10.61 Regarding the social infrastructure currently provided and available in Skelmanthorpe (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP and dental provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

**10.62 Do Members have any comments in relation to environmental and public health at this stage?**

Ground conditions

10.63 A Preliminary Geoenvironmental Investigation Report was provided in support of the 10-unit scheme. This was subsequently reviewed by officers from Environmental Health and the Coal Authority who concurred with the document's conclusions. These recommend further investigation into the potential for ground contamination, ground gas and mine workings to be present. Environmental Health and the Coal Authority do not object to the scheme subject to the imposition of a number of site intrusive investigation works and land contamination conditions.

**10.64 Do Members have any comments in relation to ground conditions at this stage?**

Representations

10.65 A total of 65 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this Position Statement and the accompanying report relating to the adjacent site.

**10.66 Do Members have any comments in relation to representations at this stage?**

Planning obligations

10.67 Planning obligations, that would need to be secured via a Section 106 agreement, would be necessary to mitigate the impacts of the proposed development, should approval of planning permission be recommended and granted. Section 106 heads of terms have not been discussed with officers at this stage, but are likely to include:

- Affordable housing – three affordable housing units (two social/affordable rent, one intermediate) to be provided in perpetuity.
- Open space – Off-site contribution to address shortfalls in specific open space typologies.
- Education – Contribution as part of the wider site allocation.
- Sustainable transport – Measures to encourage the use of sustainable modes of transport, including Travel Plan monitoring arrangements and fees.

- Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.68 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

**10.69 Do Members have any comments in relation to planning obligations at this stage?**

Other planning matters

10.70 A condition removing permitted development rights from some of the proposed dwellings will be necessary. This is considered appropriate for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

**10.71 Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?**

**11.0 CONCLUSION**

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and reiterated below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

- 1) Do Members have any comments in relation to land use, sustainability and the principle of development?
- 2) Do Members have any comments in relation to urban design?
- 3) Do Members have any comments in relation to residential amenity and quality?
- 4) Do Members have any comments in relation to affordable housing?
- 5) Do Members have any comments in relation to highways and transportation matters?
- 6) Do Members have any comments in relation to flood risk and drainage matters?
- 7) Do Members have any comments in relation to trees and ecological considerations?
- 8) Do Members have any comments in relation to environmental and public health?
- 9) Do Members have any comments in relation to ground conditions?
- 10) Do Members have any comments in relation to representations?
- 11) Do Members have any comments in relation to planning obligations?
- 12) Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?

11.2 Members are also asked to consider whether, in light of relevant planning considerations and the sub-committee's decision in respect of application 2019/91657, this application needs to be determined at a future meeting of the sub-committee.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/90183>

Certificate of Ownership – Certificate B signed

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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Jan-2020**

**Subject: Planning Application 2019/91657 Erection of 30 dwellings Land at Station Road, Skelmanthorpe, Huddersfield, HD8 9BA**

**APPLICANT**

Stewart Brown, Yorkshire  
Country Properties

**DATE VALID**

17-May-2019

**TARGET DATE**

16-Aug-2019

**EXTENSION EXPIRY DATE**

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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**

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Electoral Ward Affected: Denby Dale

Yes

Ward Members consulted (referred to in report)

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#### **RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:**

- 1) Affordable housing – six affordable housing units (starter homes) to be provided in perpetuity.**
- 2) Open space – Off-site contribution of £56,541 to address shortfalls in specific open space typologies.**
- 3) Education – Contribution of £41,960.**
- 4) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £15,015 contribution towards Metro Cards, a £20,000 contribution towards the provision of real-time information displays at bus stops, the submission of a Travel Plan, and Travel Plan monitoring arrangements and fees.**
- 5) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).**

**In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee’s resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

#### **1.0 INTRODUCTION:**

- 1.1 This is an application for full planning permission, for a residential development of 30 dwellings.**
- 1.2 The application is presented to the Heavy Woollen Sub-Committee as the site is larger than 0.5 hectares in size.**



- 1.3 A position statement relating to a separate application (2019/90183) for the adjacent site is also to be considered at the same meeting of the Heavy Woollen Sub-Committee. Although submitted by different applicants, the two applications are linked in many respects.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.81 hectares in size, and is located on the east side of Station Road.
- 2.2 A two-storey terrace (58 to 68 Station Road) abuts the site to the north. Agricultural land exists to the south, beyond which are the residential properties of Boggart Lane and the Kirklees Light Railway. To the east is agricultural land. To the west, on the opposite side of Station Road, are two-storey residential properties, grouped in pairs of semi-detached properties.
- 2.3 The application site generally slopes downhill from south (approximately 149m AOD) to north (approximately 141m AOD).
- 2.4 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is partly grassed and partly overgrown with shrubs. There are also trees and shrubs along some of the site's edges, and a Tree Preservation Order protects trees at the south corner of the site.
- 2.5 No public rights of way cross the application site, however public footpath DEN/28/10 runs along the site's northeast edge.
- 2.6 The application site is part of a wider site allocated for residential development in the Local Plan (site allocation HS134). A planning application for residential development at the remainder of the allocated site is currently being considered.
- 2.7 A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south.
- 2.8 The site is not in a conservation area, and there are no listed buildings within or near to the site.

## **3.0 PROPOSAL:**

- 3.1 The applicant seeks full planning permission for the erection of 30 dwellings.
- 3.2 A new vehicular entrance is proposed at the northwest corner of the site, adjacent to 58 Station Road. From this, a new estate road would extend through the site. Dwellings would be arranged around this new road, with two private drives extending from it. Seven dwellings would line and face Station Road. Pedestrian connections to the site to the south, and to public footpath DEN/28/10, are proposed.
- 3.3 No on-site publicly-accessible open space is proposed. Soft landscaping is proposed to the rear of 58-68 Station Road, and within dwelling curtilages.

- 3.4 Of the 30 dwellings proposed, four would be semi-detached, five would be detached, and 21 are proposed in short terraces. Twelve house types are proposed, as are variations within house types. All dwellings would be two storeys in height, although the four semi-detached houses would have two-storey rear elevations and three-storey front elevations, due to topography.
- 3.5 Seven one-bedroom, three two-bedroom, 13 three-bedroom and seven four-bedroom dwellings are proposed. Six of the 30 residential units would be provided as affordable housing (starter homes). This represents a 20% provision.
- 3.6 All dwellings would have off-street parking, with some dwellings having attached or integral garages.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 The application site itself has no recent, relevant planning history.
- 4.2 The adjacent land to the south has the following recent, relevant planning history:
- 2017/92217 – planning permission for erection of 10 dwellings refused 27/09/2017. Six reasons for refusal relating to green belt, design, highways, drainage, ecology and public open space.
  - 2019/90183 – current application for erection of 14 dwellings, yet to be determined.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 The applicant submitted a request for pre-application advice on 28/06/2018 (ref: 2018/20260) in relation to a 29-unit scheme. A formal pre-application advice letter was not issued, however on 14/09/2018 officers forwarded the various pre-application consultee responses to the applicant. The main points of this advice are summarised as follows:
- Site would not be removed from the green belt until the Local Plan is adopted. Technical assessment (for proposed Local Plan allocation) scores “amber” in relation to transport (regarding visibility splays), flood risk and drainage (regarding potential topographical issues), other constraints (regarding the high risk coal area) and green belt (although the assessment notes that the site is reasonably well-contained, with development to the north and west).
  - Consideration should be given to how the land to the south could be developed.
  - Single access to entire proposed site allocation should be explored. Proposed 29 units would achieve a density of over 35 units per hectare, however policy PLP7 would not be met as development of land to the south has not been considered.
  - 20% affordable housing required. This should be indistinguishable from market housing.

- Visibility splay of 2.4m x 43m required at site entrance. Advice provided regarding parking provision, and driveway and garage sizes. Electric vehicle charging points required. Internal road should be designed to maintain vehicle speeds of no more than 15mph – this could be achieved using horizontal traffic calming measures. Junction radius of internal turning heads should be chamfered. Swept paths for a 11.85m long refuse collection vehicle should be demonstrated at the site access and internally. A stage 1 safety audit and designer's response should be provided. Construction management plan required. Connection to adjacent footpath required. WYCA would be consulted at application stage and may request a contribution towards Metro cards. Detailed advice provided regarding the design of internal roads.
- Site is in Flood Zone 1. There is a minimal risk from surface water at the site. The nearest watercourse poses no risk to the site. There have been no recorded flood incidents in the area that would impact upon the site. Site may be suitable for infiltration drainage. If infiltration is not possible, connection to an existing watercourse should be investigated, although this appears to not be viable. A sewer connection may be possible, however this would involve some of the site being drained through third party land to the south. Attenuation must store the critical 1 in 30 year storm. Volumes generated by storms up to and including the 1 in 100 (+30% climate change) storm also has to be stored on site. This storage may need to be underground. Attenuation spans greater than 1500mm under highways would preclude adoption. Arrangements for maintenance and management of drainage system required. Temporary drainage measures required during construction phase.
- No open space proposed on-site, however site is within walking distance of Baildon Way and Skelmanthorpe Recreation Ground. 870sqm of open space required, equivalent to an off-site contribution of £77,050. Landscaping should address green belt edge and adjacent wildlife designations and public footpath. Green Streets principles should be applied. Adequate bin storage required.
- Area is suitable for roosting and foraging bats. Parts of Kirklees Wildlife Habitat Network are nearby. Preliminary Ecological Appraisal required. Ecological Impact Assessment may be required.
- Conditions regarding site contamination, noise and air quality would be necessary.

5.2 A pre-application meeting was held on 26/09/2018, attended by the applicant, the case officer, a Highways Development Management officer, and Ward Cllr Graham Turner.

5.3 As set out in section 8.0 of the applicant's Design and Access Statement, the applicant distributed letters among local residents prior to submitting the current application. Approximately 50 letters were distributed, and no responses were received by the applicant.

5.4 During the life of the current application, officers called a joint meeting (held on 24/05/2019) with the applicant teams for both sites. At this meeting officers emphasised the need for a co-ordinated, masterplanned development across the entire allocated site HS134.

5.5 The applicant submitted an amended layout, and further information regarding affordable housing, drainage, unit sizes, gas monitoring and trees during the life of the current application. An Ecological Impact Assessment was also submitted.

## **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

### Kirklees Local Plan (2019):

6.2 The site forms part of site allocation HS134 (formerly H72). HS134 relates to 1.28 hectares (net and gross), sets out an indicative housing capacity of 44 dwellings, and identifies the following constraints:

- Potential drainage issues relating to site topography
- Part of site is within a High Risk Coal Referral Area

6.3 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development  
LP2 – Place shaping  
LP3 – Location of new development  
LP4 – Providing infrastructure  
LP5 – Masterplanning sites  
LP7 – Efficient and effective use of land and buildings  
LP9 – Supporting skilled and flexible communities and workforce  
LP11 – Housing mix and affordable housing  
LP20 – Sustainable travel  
LP21 – Highways and access  
LP22 – Parking  
LP23 – Core walking and cycling network  
LP24 – Design  
LP26 – Renewable and low carbon energy  
LP27 – Flood risk  
LP28 – Drainage  
LP30 – Biodiversity and geodiversity  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP47 – Healthy, active and safe lifestyles  
LP48 – Community facilities and services  
LP49 – Educational and health care needs  
LP50 – Sport and physical activity  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New open space  
LP65 – Housing allocations

## Supplementary Planning Guidance / Documents:

### 6.4 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## National Planning Policy and Guidance:

6.5 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials.

6.6 Since March 2014 Planning Practice Guidance for England has been published online.

### 6.7 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised as a major development that would affect a public right of way.

7.2 The application has been advertised via three site notices posted on 05/06/2019, an advertisement in the local press dated 07/06/2019, and letters delivered to addresses adjacent to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 28/06/2019.

7.3 36 representations were received from occupants of neighbouring properties and the Upper Dearne Valley Environmental Trust (UDVET). These have been posted online. The following is a summary of the points raised:

- Objection to principle of development here. Objection to loss of green belt land. Brownfield sites should be prioritised for development. Greenside Mill site already has outline permission for residential development, and should be developed first.
- Previous applications for adjacent land have been refused, and so should current application.
- Proposed development is not lawful.
- Proposed development would set a dangerous precedent.
- Proposed dwellings are not needed. Existing dwellings cannot be sold, and neither would the proposed dwellings. Birdsedge requires additional housing, Skelmanthorpe does not. Real housing need in the area should be reassessed. Already an oversupply of four- and five-bedroom dwellings in the area.
- Skelmanthorpe is full, overdeveloped and overpopulated.
- Adverse impact on character of Skelmanthorpe. Sleepy village would become unrecognisable. Village is becoming a small suburb.
- Injury to rural character of surrounding countryside.
- Density too high, including when compared with adjacent scheme. Exceeds relevant Local Plan policy. Unit numbers should be reduced.
- Proposed dwelling design would stand out. Integrated design across both sites is needed to achieve a more coherent and acceptable appearance. Design mistakes of Standback Way and Baildon Way should not be repeated.
- Design of housing is appropriate to area, and is welcomed.
- Elevations for plots 8 to 22 and 26 to 30 are missing.
- Site's dry stone boundary has been removed and industrial fencing erected without permission.
- Dwellings would be elevated and would tower over existing properties due to topography, and wouldn't be softened by trees and greenery. Three-storey properties would be imposing.
- Two- and three-bedroom semi-detached and detached bungalows are needed.
- Affordable housing welcomed.
- Proposed development is unsustainable. Local Plan proposes an unsustainable amount of housing development in the Dearne Valley between Clayton West and Denby Dale. Car-dependent housing in outlying areas should not be encouraged.
- Dearne Valley Area Masterplan needed. Planning applications should not be considered in isolation. Cumulative impacts need to be assessed.
- Highways concerns. Increased congestion. Other developments would place heavy demand on roads. Station Road unable to carry additional traffic. Increased rat running on Station Road for the motorway network. Parked vehicles already narrow Station Road, preventing two-way traffic.

Road narrows and lacks pavement at Park Gate, where pedestrians are already forced into the road and near misses occur. Blind bend exists to north. Carriageway of Station Road already in poor condition. Objection to two access roads onto Station Road. Increased risk of major accident. Pedestrians would have to cross additional entrances in addition to existing streets and driveways. Adequacy of visibility splays and turning space questioned. Highway safety concerns regarding Station Road / Commercial Road junction. Adequacy, independence and reliability of applicant's highways information is questioned – this information should be prepared by the council. Transport Assessment does not accurately describe the current highway situation, omits information and uses unrepresentative data and traffic flow predictions. Cycling is not an option for travelling to work for residents. 120 additional vehicle movements per day are more likely than applicant's projections. Inadequate visitor parking proposed. Garages too small for modern cars and are likely to be used for storage. Parking will overflow onto Station Road. Shops in Skelmanthorpe already lack parking. Construction traffic would create highway safety risks.

- Link to adjacent footpath supported. Children will be able to get to school via less busy roads. Link would be well-used by many different age groups.
- Drainage and flood risk concerns. Existing flood risk at Park Gate would increase. Baildon Dike has recently been a raging torrent. Local gullies and drains are inadequate or become blocked. Objection to two attenuation systems would releasing water into existing sewer. Both sites together would discharge 7 litres per second into the sewer, and old pipe would not be able to cope. Runoff in a storm would be 15.5 litres per second. Connection to sewer should be a last option. Mitigation schemes cannot cope with climate change which has increased peak rainfall. Baildon Way attenuation is inadequate. Attenuation tanks can fail. Maintenance of drainage needs to be secured. Support call for both sites to be considered together. Flood Risk Assessment for all of allocated site is needed. Objection to reduction in permeable area. Nearby owners won't be able to obtain mortgages or insurance due to increased flood risk.
- Existing sewers cannot cope with foul water. Sewer running from Park Gate to Scisset overflows into watercourses.
- Loss of sunlight to adjacent dwelling, resulting in increased heating bills.
- Loss of privacy.
- Loss of view.
- Loss of amenity caused by car headlights shining into Haigh Row properties opposite.
- Noise and disruption during construction.
- Loss of site's existing trees
- Impact on wildlife. Trees and bushes have been felled during bird nesting season. Barn owls, kestrels, buzzards, bats and newts use the site. Applicant's report was prepared in winter.
- Trees at rear of site need protecting.
- Noise and pollution caused by parking spaces close to adjacent dwellings.
- Adverse impact on air quality. Loss of green space would affect air quality.
- Dust during construction work
- Inadequate local doctor, dentist and school provision.
- Adverse impact on property values.
- Neighbour did not receive applicant's pre-application letter.
- No site notices had been posted by 31/05/2019. Nobody is aware of the proposed development.

- Requested education contribution has been based on only 23 dwellings. School place projections questioned as they appear to not make provision for housebuilding proposed in Local Plan. Higher contribution should be sought.
- Query as to how education contribution could be awarded to schools that are not in local authority control, and how money would not be spent in other areas of Kirklees.
- Query as to why applicant is not required to contribute at Community Infrastructure Levy rates.

7.4 Cllr Turner and Cllr Simpson commented at application stage. Their comments will be reported in the committee update.

7.5 Denby Dale Parish Council objected to the proposed development, making the following four points:

- 1) *Highways – due to the narrowness of the road towards Park Lane and the already busy road would be impacted adversely by an increase in traffic. There is also pedestrian safety to consider near park lane due to the lack of pavement.*
- 2) *Drainage – the Park Lane area is already subject to flood risk, and the proposal of provision of a tank which, when full, would overflow downhill towards this area, was not considered adequate. Existing drainage was not considered adequate to accommodate further developments.*
- 3) *The geographical description of the site is inaccurate – the development would be on a significant slope.*
- 4) *The statement also fails to mention the vehicle access via the north end of Station Road where there is already a high volume of traffic every day.*

7.6 Amendments made to the proposals during the life of the current application did not necessitate public reconsultation.

7.7 Responses to the above comments are set out later in this report.

## 8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### 8.1 Statutory:

Coal Authority – Earlier objection withdrawn. No objection, on the basis that the results of an intrusive site investigation discount any risks posed by shallow coal mining. Particular attention to foundation design will be necessary to address stability risks. Condition recommended.

Yorkshire Water – Condition recommended, requiring implementation of separate systems of foul and surface water drainage, and no piped discharge of surface water prior to completion of surface water drainage works. Applicant's Flood Risk Assessment and drainage proposals will require clarification, however this can be conditioned. Advice provided regarding sewer infrastructure.



KC Highways – Proposed development is acceptable from a highways perspective. Applicant has demonstrated internal turning for a 11.85m long refuse vehicle (and smaller vehicles), the 2.4m x 43m visibility splays required for a 30mph road, and adequate parking provision in compliance with the council's Highway Design Guide SPD. The anticipated trip generation of 23-25 movements in the a.m. and p.m. peak hours would not severely impact on the local highway network. Conditions recommended regarding access sightlines, internal adoptable roads and construction access.

KC Lead Local Flood Authority – Further information required regarding:

- 1) the condition and capacity of an existing highway drain under Station Road, leading to a watercourse; and
- 2) an examination of the scope for a drainage masterplan (with adjacent allocated sites) to minimise the impact of cumulative development from smaller parcels of land with separate drainage connections.

Applicant's conclusion that infiltration techniques are unsuitable is noted. A highway drain immediately outside the site may allow an indirect connection to a watercourse (Baildon Dike). LLFA favours a connection to this watercourse on the downstream side of the bridge. A camera survey of this highway drain to its outfall is required, along with a study of its capacity.

To avoid cumulative impacts any attenuation must also facilitate the draining of the adjacent site to the south. Alternatively, a 3.5 litres per second connection to the sewer would allow suitable attenuation to be accommodated on site.

Drainage maintenance must be secured via a Section 106 agreement.

Regarding flood routing, a study of proposed road levels, exceedance events and blockage scenarios is required to demonstrate that surface water flow into curtilages would be avoided, and that the estate road would act as a safe conduit onto Station Road, thus providing a defence to existing properties immediately to the north. Agree that new dwellings should be 300mm above surrounding ground levels to protect from surface water flooding.

Details of temporary drainage measures required.

## 8.2 **Non-statutory:**

KC Biodiversity Officer – Applicant's Ecological Impact Assessment (EclA) addresses concerns regarding the absence of necessary survey information, although photographic evidence suggests the bat roost potential of the mature oaks at the southeast of the site is high, rather than moderate. Concerns relating to the TPO-protected mature oaks have not been addressed – an undeveloped buffer should be provided to ensure these important ecological features are not impacted. Pre-commencement condition regarding ecological mitigation and enhancement (through an Ecological Design Strategy) is necessary. Depending on the final layout, and if significant ongoing management of vegetation is required as mitigation, it may be necessary to condition a Landscape and Ecological Management Plan instead of an

Ecological Design Strategy. Applicant's ecological mitigation and enhancement measures are generally supported, although it is noted that the EclA states that native hedgerows would form the site boundary, contrary to what is shown on the applicant's drawings.

KC Education – Education contribution of £41,960 required.

KC Environmental Health – Phase I part of applicant's contaminated land report accepted, however phase II cannot be accepted until gas monitoring has been completed. Conditions recommended regarding site contamination, noise (to protect new residents from noise from the Kirklees Light Railway), air quality (electric vehicle charging points) and dust. Advice also provided regarding hours of noisy works.

KC Landscape – Amenity green space will be required to meet the needs of the proposed development and to make the development acceptable. The 30 units proposed triggers the requirement for four of the five open space typologies, as well as the need for a Local Area of Play. Allotments are not triggered as the proposed development has fewer than 50 dwellings. Denby Dale ward is deficient in quantity for parks and recreation grounds. There is no natural or semi-natural green space in Skelmanthorpe. No on-site green space is proposed, therefore a £56,541 off-site contribution required. Existing open space facilities in the area are within walking distance, would benefit from enhancement to meet the needs of new residents.

Proposed layout could make better use of the entire allocated site, with a loop layout which would be more dementia-friendly and would reduce the need for reversing. There is more opportunity for street planting (preferably native), especially towards the site boundaries. Ornamental planting in gardens could create a diverse range of habitats to support wildlife and be visually interesting. Large areas of hard surfacing could be broken up by soft landscaping. Link to public footpath is welcomed, although it could have a better setting, better visibility and natural surveillance.

KC Planning Policy – Both applications cover the majority of site allocation HS134. Principle of residential development at the site has been established. Site allocation notes constraints, and assumes a capacity of 44 dwellings (based on a density of 35 dwellings per hectare). The two proposed layouts are poorly related to each other, and need to have regard to Local Plan policies LP5, LP7 and LP24. A masterplan would be appropriate. Two distinct layouts with differing densities and house types are proposed. Proposals lack permeable and interconnected streets. A masterplanning approach could explore whether one access point for the entire site would be appropriate, or whether the two planned access points could form part of a joined-up street layout. Neither proposal provides any public open space, and such provision could be explored. Together, the two proposals would achieve a density of 31 units per hectare, below the expectation of Local Plan policy LP7. A masterplan for the allocated site could seek a density of 35 units per hectare and on-site open space. 20% affordable housing requirement should apply across the allocated site. Local Plan policies LP11, LP28 and LP63 are also relevant.

KC Strategic Housing – 20% affordable housing required. On-site provision is preferred. In Kirklees Rural East there is a significant need for 1- and 2-bedroom affordable housing, as well as a need for 3-bedroom (and larger) affordable housing and 1- and 2-bedroom housing specifically for older people. Proposed development should provide six affordable dwellings of any size (1-bedroom or larger). Applicant proposes starter homes, however three social/affordable rent and three intermediate dwellings should be provided, as this would increase the type of affordable housing needed in the area.

KC Trees – No objection to principle of development, however proposed dwellings at southeast corner of the site would be too close to the adjacent TPO-protected trees. This would cause long-term conflicts between the trees and future occupants, related to shade and leaf litter. Plot 23 would have limited usable outside amenity space that is not dominated by the trees, and the property's rear windows would be shaded. The affected trees are three mature oaks which are prominent features of the local landscape and are associated with the Wildlife Habitat Network. Proposed development does not comply with Local Plan policies LP24 and LP33. Arboricultural Impact Assessment required, including an assessment of shade. This information should then be used to amend the proposed layout to avoid conflicts with the trees. Once the layout is amended, an Arboricultural Method Statement will be required.

West Yorkshire Combined Authority (Metro) – Closest bus stops would benefit from the installation of a real time information display at a cost of £10,000 per bus stop. To encourage the use of sustainable modes of transport, the developer must fund a package of measures. £15,015 contribution towards bus-only residential Metro Cards should be secured.

West Yorkshire Police Crime Prevention Design Advisor – No objection in principle. Rear of sides of gardens should not be located adjacent to public footpaths in such a fashion that would enable access to be gained to those gardens. Detailed advice provided regarding boundary treatments, rear access footpaths, side boundaries dividing plots, access gates to rear gardens, trees and vegetation, front boundaries, external lighting, car parking, garages, cycle (and motorcycle) storage, bin stores and alarms.

## **9.0 MAIN ISSUES**

- Land use, principle of development and quantum
- Sustainability and climate change
- Urban design
- Residential amenity and quality
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Trees and ecological considerations
- Environmental and public health
- Ground conditions
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL

### Land use, principle of development and quantum

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The site forms part of a wider housing site allocation (ref: HS134), to which full weight can be given. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites, was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H72) stated:
- The site is well related to the settlement and contained by residential development to the west and part of the northern and southern boundaries. Field boundaries to the east/north-east would provide new defensible green belt boundaries. In this context, and taking account of identified housing needs and the sustainability of the village, I conclude that exceptional circumstances exist to justify the release of the site from the green belt.*
- 10.4 The 30 dwellings proposed would contribute towards meeting housing delivery targets of the Local Plan.
- 10.5 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.
- 10.6 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.7 With 30 units proposed in a site of 0.81 hectares, a density of approximately 37 units per hectare would be achieved. This suggests efficient use of the site, and is welcomed. Site allocation HS134 refers to an indicative site capacity of 44 units, which the proposed development would make an adequate contribution towards.

- 10.8 The Upper Dearne Valley Environmental Trust (UDVET) have stated that a Dearne Valley Area Masterplan is needed before decisions on such planning applications can be made. It is noted, however, that the recently-adopted Local Plan provides an informed, sound basis for the planning and development of the borough. No Neighbourhood Plan has been prepared for Skelmanthorpe by local organisations.

#### Sustainability and climate change

- 10.9 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.10 The application site is a sustainable location for residential development, as it is relatively accessible and is within an existing, established settlement that is served by public transport. Furthermore, Skelmanthorpe has a number of shops, eating establishments, churches, a pub, social infrastructure, employment uses and other facilities, such that at least some of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.11 Regarding climate change, measures would be necessary to encourage residents of the proposed development to use sustainable modes of transport. Adequate provision for cyclists (including cycle storage for residents), electric vehicle charging points, and a Travel Plan would be secured by condition or via a Section 106 agreement, should planning permission be granted. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change.
- 10.12 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

#### Urban design

- 10.13 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24 are relevant to the proposed development in relation to design, as is the National Design Guide.
- 10.14 The site is subject to constraints in relation to topography, local character, drainage, highways, and the adjacent residential properties, public footpath and TPO-protected trees. Due to the site's slope, any development here would be highly visible in longer views from the north. All of these considerations will (or should) influence the design of any development at this site.

- 10.15 The application relates to the larger part of site allocation HS134. Current application ref: 2019/90183 relates to the remainder of the site. Local Plan policy LP5 is relevant, and a masterplanning approach has been applied by officers to the entire allocated site when assessing the two proposed developments. Ideally, a single application would have been submitted for the entire allocated site, however this could not be required or enforced at this particular allocated site – it must be noted that policy LP5 in some cases will need to be applied flexibly where allocated sites are in fragmented ownership and where acceptable (yet separately-designed) schemes are brought forward. In this particular case, there is less of a need for masterplanning in relation to some matters, given that both sites can be provided with their own vehicular access points and drainage connections, and given that on-site provision of open space is not preferred. The council also cannot reasonably insist that the two parts of the site be developed simultaneously by the same developer (of note, different landowners and developers may be working to differing timeframes), or designed by the same team. However, co-ordinated, complimentary development, that makes the best and most efficient use of the land, and that does not sterilise (or otherwise compromise) any other part of the site allocation, is considered essential.
- 10.16 The two proposals initially submitted by the two applicant teams were not designed in co-ordination with each other. No internal connections were proposed between the two sites, very different house types, designs and unit size mixes were proposed, and the smaller site included no affordable housing. Of the two proposals, those for the larger part of the allocated site were superior in terms of design, unit size mix and efficient use of land.
- 10.17 During the life of the current application (for the larger site), officers called a joint meeting (held on 24/05/2019) with the applicant teams for both sites. At this meeting officers emphasised the need for a co-ordinated, masterplanned development across the entire allocated site HS134. Following that meeting, the smaller site's applicant commissioned the larger site's architect to prepare amended proposals, and amendments to both proposals have been submitted.
- 10.18 For the larger site, various alternative layouts were considered by officers and the applicant teams in an attempt to secure a single vehicular entrance from Station Road, or two vehicular entrances with an internal connection. This, however, has proved not possible due to the site's challenging topography – the larger site already has north-south gradients of 1:9, preventing the applicant teams from proposing a P-shaped (loop) or U-shaped road layout across the allocated site with acceptable gradients in compliance with the council's Highway Design Guide.
- 10.19 Officers and the applicant teams also considered proposing a layout that would complete a perimeter block with existing adjacent dwellings, so that new dwellings would back onto 58-68 Station Road. This, however, would prevent drainage attenuation and a connection to the combined sewer or highway drain being provided in the more appropriate location, and space needs to be maintained to the rear of 58-68 Station Road in any case, due to the short gardens those existing dwellings have. Given these considerations, it is accepted that the northwest corner of the site is the most suitable location for the proposed development's new vehicular entrance, in design terms. To prevent the rear gardens of 58-68 Station Road being exposed to public access, space for defensive planting along the site boundary is proposed here.

- 10.20 From the new vehicular entrance, a new estate road would extend through the site. Dwellings would be arranged around this new road, with two private drives extending from it. Seven dwellings would line and face Station Road – this is considered acceptable, given that dwellings should address the most important street they abut, where possible.
- 10.21 Pedestrian connections to the site to the south, and to public footpath DEN/28/10, are proposed. Rear garden gates are proposed for units 19 to 22, providing access to the estate road of the adjacent proposed development. The internal layout of the adjacent scheme will need to be amended to accommodate access to these garden gates.
- 10.22 The applicant's supporting information includes a description of the episodic experiences that each of development's various spaces would create, and it is encouraging to see thought being given to the everyday interactions residents would have with this new environment, as well as to the importance of character, visual interest and variety.
- 10.23 Flood routing is an important consideration relevant to layout, particularly at sites such as this where there are existing residential properties downhill. The applicant has confirmed that new dwellings should be elevated sufficiently above surrounding land to ensure surface water does not enter during heavy downpours. In addition, having regard to the site's topography, it is considered that the proposed estate road can be designed (with appropriate kerb upstands) to ensure surface water is directed away from existing and proposed residential curtilages.
- 10.24 In the proposed layout, some rear and side garden boundaries would be exposed to public access. Some such exposure is unavoidable given the constraints of the site, and a condition related to crime and anti-social behaviour prevention measures is recommended. Smaller outdoor spaces around the site will also need to be defined, landscaped and managed to ensure they do not become ambiguous, leftover spaces at risk of anti-social behaviour such as fly-tipping.
- 10.25 Off-street car parking is proposed in front or side driveways, in a rear parking court, or in integral or attached garages. No parking spaces are proposed in front of the seven units that would line Station Road. With appropriate landscaping, the car parking proposed elsewhere in the site would not have an over-dominant or otherwise harmful visual or streetscape impact.
- 10.26 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.

- 10.27 Twelve house types are proposed, and further variations within these house types are also proposed. All dwellings would be two storeys in height, although the four semi-detached houses would have two-storey rear elevations and three-storey front elevations, due to topography. This is considered acceptable, as the three-storey elevations would be located close to the centre of the site allocation, and would be partly screened by other dwellings. Pitched roofs, front gables, arched stone entrances, windows with vertical emphases within window openings with horizontal emphases, kneelers and quoin detailing are proposed – all of these features would help the proposed development sit comfortably within its context, and are considered appropriate.
- 10.28 Natural stone elevations (including stone lintels, cills and quoins), natural slate roofs, UPVC windows and GRP composite doors are proposed. These are considered appropriate materials for this site. A condition requiring the submission of details and samples of all external materials is recommended.
- 10.29 The applicant has given early thought to boundary treatments, which is welcomed. A mix of 1.8m stone walls, 1.8m close boarded fencing (incorporating latticing), 1.2m vertical railings, 1.2m post and rail fences and 0.9m dry stone walls are proposed. While much of these proposals are considered appropriate for this site, further consideration of the proposed boundary treatments will be necessary (having regard to the visibility of each part of the development from public vantage points such as the adjacent public footpath), and a condition requiring details of boundary treatments is recommended.
- 10.30 The applicant is currently negotiating with Northern Powergrid to agree the removal of pylons and the undergrounding of the overhead electricity lines that cross the allocated site as part of the proposed developments.
- 10.31 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7 and LP24, would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

#### Residential amenity and quality

- 10.32 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.33 Acceptable separation distances are proposed between the proposed dwellings and existing neighbouring properties. The proposed distances would ensure existing neighbours would not experience significant adverse effects in terms of natural light, privacy and outlook.
- 10.34 Residents of Haigh Row have expressed concern regarding headlights (of cars leaving the proposed development) shining into their properties. This is acknowledged as a potential impact (and, therefore, attracts some negative weight), however the impact would be momentary, it would only happen when vehicles are moved during dark hours, and it is therefore not considered so problematic as to warrant refusal of permission or further amendments to the proposed layout. Headlights momentarily shining on a property opposite a street entrance in this way is not an uncommon occurrence, and this impact is unavoidable if any part of the allocated site is to be developed, as there are existing dwellings opposite the site's entire Station Road frontage.



- 10.35 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the site's location on Station Road (which is already used by through-traffic) it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.36 A condition requiring the submission and approval of a Construction Management Plan (CMP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures and temporary drainage arrangements would need to be included in the CMP. An informative regarding hours of noisy construction work is recommended.
- 10.37 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.38 Seven one-bedroom, three two-bedroom, 13 three-bedroom and seven four-bedroom dwellings are proposed. This unit size mix would cater for a range of household sizes, would help create a mixed and balanced community, would help avoid visual monotony across the site, and is welcomed.
- 10.39 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. All of the 30 proposed dwellings would meet these standards.
- 10.40 All of the proposed dwellings would benefit from dual aspect, and would be provided with adequate outlook, privacy and natural light. Adequate distances would be provided within the proposed development between new dwellings.
- 10.41 All dwellings would have WCs at ground level, providing convenience for visitors with certain disabilities. No dwellings would have ground floor bedrooms, although the largest units would have habitable rooms at ground floor level that could be converted to bedrooms.
- 10.42 All of the proposed dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents.
- 10.43 No publicly-accessible on-site open space is proposed. This is considered acceptable, given the site's topographical constraints and the need to accommodate a sufficient number of dwellings (of an acceptable design and level of amenity). The applicant's approach to open space will, however, necessitate a financial contribution towards off-site open space. For a development of 30 dwellings in this part of the allocated site (HS134), a contribution of £56,541 would be required. This would include funding for a Local Area of Play.

- 10.44 Although some details of landscaping proposals have been shown on the applicant's drawings, a condition is recommended, requiring further details of the development's outdoor spaces and their purpose, design, landscaping and management. Details of the proposed pedestrian connections to the adjacent site and public footpath would also be required.
- 10.45 A condition regarding noise (to protect new residents from noise from the Kirklees Light Railway) is recommended.

#### Affordable housing

- 10.46 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.47 Six of the proposed 30 units would be affordable. In terms of unit numbers, this represents a 20% provision, which meets the requirement of policy LP11 of the KLP. It is recommended that this number of affordable units be secured via Section 106 agreement.
- 10.48 The applicant has stated that the six affordable units would be starter homes, whereas the council's preferred tenure mix is 55% social or affordable rent / 45% intermediate. No financial viability evidence has been submitted by the applicant, and some of the applicant's justification for the proposed tenure mix relates to the applicant's preferred business model and carries no material planning weight, however the applicant has also argued that starter homes are appropriate in the borough's southern villages as they enable already-local people to get on the property ladder in locations where options may be limited. The applicant has stated that most of the interest in the starter homes under construction at the applicant's site in Miry Lane, Netherthong has been from younger members of existing local families. These points are noted, and it is accepted that providing housing of specific tenures can foster social sustainability by enabling existing residents to stay local and maintain community. It is also noted that starter homes are indeed a form of affordable housing. The applicant's proposed deviation from the council's preferred tenure mix therefore only attracts limited negative weight.
- 10.49 All six starter homes would be located along the site's street frontage, and would be one-bedroom units. A wider range of affordable unit sizes and better distribution across the application site would have been preferred, however given the numbers of units involved (six of 30) and the size of the site, it is not considered necessary to seek redistribution of the affordable units. It is also noted that a further group of three affordable units is proposed in the adjacent site (ref: 2019/90183), so that two groups of affordable units would be provided across the allocated site. The applicant's proposed affordable unit sizes relate to their tenure and intended affordability to first-time buyers, however it is noted that not all starter homes are occupied by one- or two-person households, and the limited range of affordable unit sizes attracts negative weight (albeit limited).

- 10.50 Although the proposed affordable provision would include the development's smallest units, the same materials and detailing is proposed for all dwellings, which to an extent would help ensure the affordable units would not be visually distinguishable from the development's market units.

#### Highway and transportation issues

- 10.51 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.52 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.53 The application site has a frontage to Station Road approximately 53m in length. Station Road has footways on both sides of the carriageway, is open to two-way traffic, is subject to a 30mph speed restriction, and has no yellow line markings along its kerbs.
- 10.54 All 30 dwellings would be accessed via a single, new vehicular entrance at the application site's northwest corner. In addition, the development proposed in the adjacent site (ref: 2019/90183) would introduce another vehicular entrance further along Station Road to the south. While the concerns of Members regarding the proposed two accesses are noted, and while it would indeed be preferable to have a single vehicular access point serving both developments, the applicant has demonstrated that this would not be possible (whilst achieving acceptable gradients for the estate road(s) in compliance with the council's Highway Design Guide SPD) due to the site's challenging topography. Highways Development Management Officers have not raised safety concerns in relation to the proposed two access points.
- 10.55 Adequate 2.4m x 43m visibility splays are proposed at the site's entrance. This is as required by Manual for Streets for a 30mph road. A condition, requiring these sightlines to be provided prior to commencement of development, is recommended.
- 10.56 Regarding the proposed development's internal arrangements, the proposed layout is compliant with the council's Highway Design Guide, and has not attracted objections from Highways Development Management (HDM) officers. The applicant has demonstrated sufficient internal turning space for an 11.85m long refuse vehicle (and smaller vehicles). A condition regarding internal adoptable roads is recommended.

- 10.57 The anticipated trip generation of 23 to 25 movements in the a.m. and p.m. peak hours is not considered significant in the context of local highway capacity. The concerns expressed by residents regarding existing congestion, on-street parking, and the pinch point and bend in Station Road close to Park Gate are noted, however the local highway network nonetheless would not be severely impacted by the anticipated number of additional vehicle movements.
- 10.58 The West Yorkshire Combined Authority (WYCA) has advised that measures are required to ensure that residents of the proposed development are encouraged and enabled to use sustainable modes of transport. To achieve this, WYCA have advised that the bus stops closest to the application site would benefit from the installation of real time information displays at a cost of £10,000 per bus stop. Two bus stops on Commercial Road are referred to in WYCA's advice. WYCA have also advised that a £15,015 contribution towards bus-only residential Metro Cards should be secured. These measures would be directly related to the proposed development, and are considered necessary to help ensure the proposed development meets the requirements of Local Plan policy LP20. It is therefore recommended that they be secured via a Section 106 agreement.
- 10.59 It is also recommended that the submission and implementation of a Travel Plan be secured via a Section 106 agreement, again to ensure the use of sustainable modes of transport is encouraged and enabled. Should residential development be granted at the adjacent site to the south, the Travel Plan should also apply to that development. Travel Plan monitoring fees would also need to be secured.
- 10.60 Public footpath DEN/28/10 runs along the site's northeast edge. This footpath has potential for greater use, as it provides a route from the northern parts of Skelmanthorpe (via Marsden Street and Saville Road) to the school and other local facilities (including existing and proposed sections of the Core Walking and Cycling Network) to the southeast, passing through the Greenside Mill site (where outline planning permission for residential development has been granted, with an indicative plan illustrating 55 homes and an on-site open space – ref: 2018/91787), and avoiding the traffic of Station Road.
- 10.61 A pedestrian connection between the proposed development's estate road and this footpath is appropriate. Although this connection would need to be stepped (due to topography) and would pass between the garage of unit 25 and the side elevation of unit 26 (thus necessitating additional windows to ensure good natural surveillance), it would help create an appropriately connected, walkable, permeable neighbourhood in compliance with Local Plan policies LP20, LP24dii and LP47e, and is welcomed.
- 10.62 Acceptable off-street parking is proposed for the proposed residential units in accordance with Council's Highway Design Guide. Paragraph 5.4 of the Council's Highway Design Guide states that in most circumstances, one visitor parking space per four dwellings is considered appropriate, and although only four visitor parking spaces are shown on the applicant's drawings, this has not attracted an objection from Highways Development Management officers.
- 10.63 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.

- 10.64 Storage space for three bins, and refuse collection points, will be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways.
- 10.65 Details of means of access to the site for construction traffic would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.

#### Flood risk and drainage issues

- 10.66 The site is within Flood Zone 1. The site generally slopes downhill from the south to the north. The nearest watercourse is Baildon Dike, approximately 165m to the north, where the Environment Agency monitors water levels and a flood warning system is in operation.
- 10.67 A site-specific Flood Risk Assessment (FRA) was submitted by the applicant. This states that the site is not suitable for infiltration systems of surface water disposal, and recommends the implementation of an attenuated drainage system that would discharge to the combined sewer at a rate of 3.5 litres per second. Attenuation pipes, with a 1350mm diameter, are proposed beneath the development's estate road, and these would connect with the combined sewer close to the site's northwest corner.
- 10.68 It is accepted that the site is not suitable for infiltration systems as a means of disposal of surface water. Having regard to the drainage hierarchy, the next preferred option should be the disposal of surface water to a nearby watercourse. The Lead Local Flood Authority (LLFA) have highlighted that an existing highway drain runs beneath Station Road, and that this in turn connects to the nearest watercourse (Baildon Dike) to the north. The highway drain could, therefore, be suitable for draining the application site, and the LLFA have recommended that the condition and capacity of this highway drain be investigated. The onus for carrying out this investigation falls on the applicant and the applicant is willing to do this work. It is recommended that if it is demonstrated that the highway drain is suitable for use (and discharges to Baildon Dike on the downstream side of the road bridge, so that flood risk to dwellings close to the watercourse is not increased), the agreement of details of this drainage system be delegated to officers.
- 10.69 If, however, the highway drain proves not to be suitable, it is recommended that a connection to the combined sewer (attenuated to 3.5 litres per second) be accepted. This would effectively mean reverting to the applicant's current drainage proposal. The applicant has, however, advised (at a meeting held on 17/12/2019) that connection to either the highway drain or the combined sewer is acceptable, and that the applicant will follow the advice of the LLFA.

- 10.70 The LLFA have also advised that a drainage masterplan for both sites would be appropriate, to ensure the impact of cumulative development (from smaller parcels of land with separate drainage connections to the highway drain) is minimised. While this would indeed be preferable (and is another aspect of an appropriate, masterplanned approach to sites as encouraged by Local Plan policy LP5), it must be noted that both sites have a street frontage and can be provided with their own drainage connections. The two applicant teams have discussed a joint drainage strategy, however neither party wishes to be beholden to the other in relation to their outfall solution, and it is accepted that a ransom scenario should not be created by the council's decisions on the two current applications. The applicant has also stated that the parties' development programmes and timings are likely to be different, which further supports an argument for not securing a drainage masterplan for the entire allocated site.
- 10.71 It is recommended that further information regarding flood routing be secured by condition. The required information would need to include a study of proposed road levels, exceedance events and blockage scenarios, to demonstrate that surface water flow into curtilages would be avoided, and that the proposed development's estate road would act as a safe conduit onto Station Road, thus providing a defence to existing properties immediately to the north. The applicant's recommendation that new dwellings should be 300mm above surrounding ground levels to protect them from surface water flooding is accepted.
- 10.72 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement.
- 10.73 Details of temporary surface water drainage arrangements would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.
- 10.74 Foul water from the proposed development would discharge to the existing sewer beneath Station Road. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

#### Trees and ecological considerations

- 10.75 The application site is previously undeveloped (greenfield) land, was previously in agricultural use, and is partly grassed and partly overgrown with shrubs. There are also trees and shrubs along some of the site's edges, and a Tree Preservation Order 11/19/g1 protects trees at the south corner of the site. A Biodiversity Opportunity Zone (Pennine Foothills) covers the site. A Wildlife Habitat Network covers the embankments of the Kirklees Light Railway to the south. Residents have highlighted some of the wildlife that use or visit the application site, and it is additionally noted that the three mature oak trees to the southeast of the site have potential suitability for bat roosting, are prominent features of the local landscape, and are associated with the Wildlife Habitat Network.

- 10.76 The applicant initially submitted a Preliminary Ecological Appraisal, and later submitted an Ecological Impact Assessment (EclA) during the life of the current application. The EclA addresses earlier concerns regarding the absence of necessary survey information, and the applicant's proposed ecological mitigation and enhancement measures are supported. A pre-commencement condition regarding ecological mitigation and enhancement (either through an Ecological Design Strategy or Landscape and Ecological Management Plan, subject to further advice from the council's Biodiversity Officer) is recommended. Details to be submitted pursuant to this condition would need to demonstrate that a biodiversity net gain would be achieved at the application site. Details to be submitted pursuant to a recommended landscaping condition would need to correct a discrepancy between the EclA (which states that native hedgerows would form the site boundary) and the applicant's drawings.
- 10.77 Tree Preservation Order 11/19/g1 was served during the life of the application. This relates to the three mature oak trees to the southeast of the application site. Dwellings at southeast corner of the site would come too close to these trees, and this proximity would cause long-term conflicts between the trees and future occupants in relation to shade and leaf litter. Plot 23 would have limited usable outside amenity space that is not dominated by the trees, and the property's rear windows would be shaded. The applicant has submitted a response that does not fully allay these concerns, and it is recommended that the securing of amendments at the southeast corner of the site (to the design of unit 23, and the garage of unit 24, to minimise the potential for tree-related conflicts and to additionally provide an undeveloped buffer to ensure these important ecological features are not impacted) be delegated to officers at conditions stage.
- 10.78 A further condition is recommended, requiring the submission of an Arboricultural Method Statement and Tree Protection Plan.

#### Environmental and public health

- 10.79 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, should be secured via Section 106 obligations.
- 10.80 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed dwelling sizes, affordable housing, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health.
- 10.81 Regarding the social infrastructure currently provided and available in Skelmanthorpe (which is relevant to the public health impacts and the sustainability of the proposed development), and specifically local GP and dental provision, there is no policy or supplementary planning guidance requiring the proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the

number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

#### Ground conditions

- 10.82 Regarding site contamination, the applicant's Geo-environmental Ground Investigation Report is considered acceptable as a phase I report, however phase II (site investigation) cannot be discharged until acceptable gas monitoring has been completed. During the life of the application the applicant submitted information regarding ground gas, and further comments of Environmental Health officers have been sought. Relevant conditions are recommended, although some may prove unnecessary in light of forthcoming Environmental Health comments.
- 10.83 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. The applicant's Geo-environmental Ground Investigation Report included a coal mining risk assessment which satisfied the Coal Authority's earlier concerns. The Coal Authority noted that the results of an intrusive site investigation discounted any risks posed by shallow coal mining, commented that particular attention to foundation design will be necessary to address stability risks, and recommended a relevant condition regarding the site's coal mining legacy.

#### Representations

- 10.84 A total of 36 representations were received from occupants of neighbouring properties. The comments raised have been addressed in this report.

#### Planning obligations

- 10.85 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:
- Affordable housing – six affordable housing units (starter homes) to be provided in perpetuity.
  - Open space – Off-site contribution of £56,541 to address shortfalls in specific open space typologies.
  - Education – Contribution of £41,960.
  - Sustainable transport – Measures to encourage the use of sustainable modes of transport, including a £15,015 contribution towards Metro Cards, a £20,000 contribution towards the provision of real-time information displays at bus stops, the submission of a Travel Plan, and Travel Plan monitoring arrangements and fees.
  - Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).



- 10.86 The above education contribution has been queried by the Upper Dearne Valley Environmental Trust (UDVET). To clarify, although 30 dwellings are proposed, education contributions are calculated based on the number of proposed dwellings with two or more bedrooms. In this scheme, 23 such dwellings are proposed.
- 10.87 The Community Infrastructure Levy (CIL) is not yet adopted in Kirklees, therefore the council is unable to secure contributions at CIL rates at this stage.
- 10.88 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and although the proposed development does not meet the relevant threshold (housing developments which would deliver 60 dwellings or more), any agreement by the applicant to provide a training or apprenticeship programme to improve skills and education would be welcomed. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided.

#### Other planning matters

- 10.89 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.
- 10.90 The impact of the proposed development upon local property prices is not a material planning consideration.
- 10.91 One resident has objected on loss of view grounds. It is noted, however, that while the protection of outlook is a matter relevant to planning, private views across land controlled by other parties are not protected.

### **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development under site allocation HS134, and the principle of residential development at this site is considered acceptable.
- 11.2 The applicant's proposed affordable housing provision does not fully accord with known needs as set out in the council's Strategic Housing Market Assessment, and this attracts some negative weight in the balance of relevant planning considerations. The proposed development's benefits (including the provision of 30 dwellings of which six starter homes, construction-phase employment, planning obligations that would benefit the public as well as residents of the development, and the required biodiversity net gain), however, attract significant positive weight.
- 11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), adjacent developable land, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage.

- 11.4 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.
- 12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)**
1. Three years to commence development.
  2. Development to be carried out in accordance with the approved plans and specifications.
  3. Submission of a Construction Management Plan.
  4. Provision of visibility splays.
  5. Submission of details relating to internal adoptable roads.
  6. Cycle parking provision to be provided within the site.
  7. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
  8. Provision of waste storage and collection.
  9. Submission of an Arboricultural Method Statement and Tree Protection Plan.
  10. Details of tree-related amendments (plots 23 and 24).
  11. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
  12. Submission of Flood Risk and Drainage details.
  13. Site to be developed by separate systems of drainage for foul and surface water on and off site.
  14. No piped discharge of surface water from the development prior to the completion of surface water drainage works.
  15. Submission of an Intrusive Site Investigation Report (Phase II Report).
  16. Submission of Remediation Strategy.
  17. Implementation of Remediation Strategy.
  18. Submission of Validation Report.
  19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise from the Kirklees Light Railway.

20. Crime prevention measures.
21. External materials.
22. Boundary treatments.
23. External lighting.
24. Full Landscaping scheme.
25. Biodiversity enhancement, net gain and Ecological Design Strategy /  
Landscape and Ecological Management Plan
26. Removal of permitted development rights.

**Background Papers:**

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f91657>

Certificate of Ownership – Certificate B signed

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/92378 Outline planning permission for erection of residential development east of, 28, Northorpe Lane, Mirfield, WF14 0QN

#### APPLICANT

J Cowell

#### DATE VALID

16-Jul-2019

#### TARGET DATE

15-Oct-2019

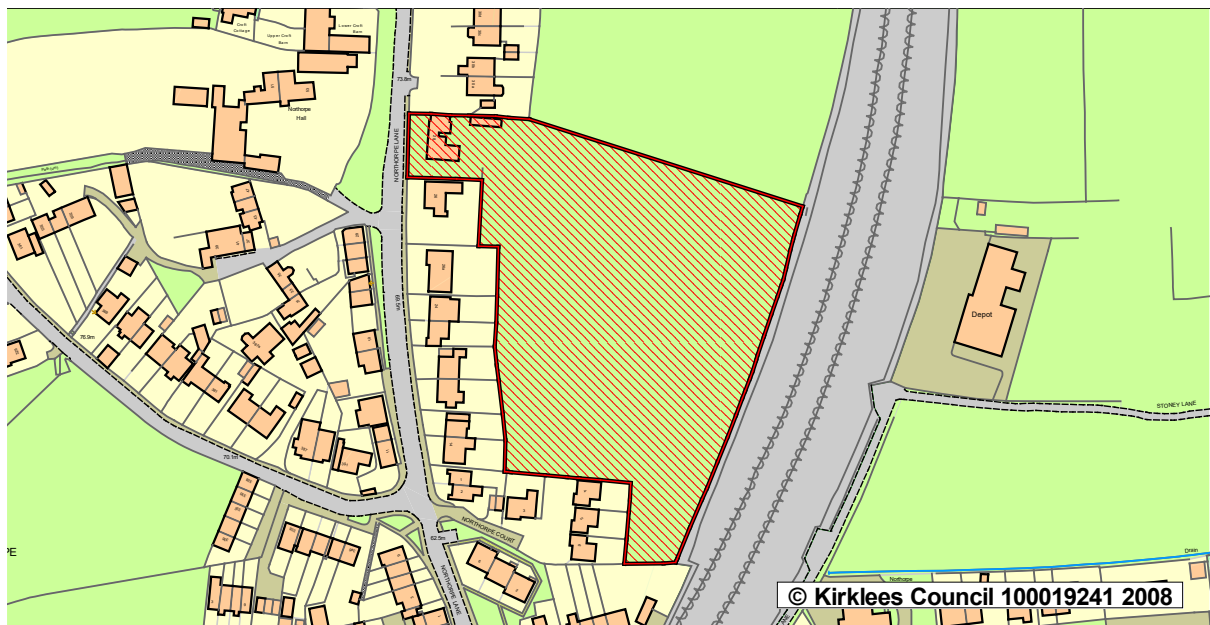
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Mirfield**

Yes

Ward Members consulted  
(referred to in report)

**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to await the expiration of the publicity period and to consider any further comments and to subsequently complete the list of conditions including those contained within this report**

**1.0 INTRODUCTION:**

- 1.1 This is an application for outline planning permission for residential development, with all matters reserved (other than access).
- 1.2 This application is reported to the Heavy Woollen Planning Sub-Committee due to the size of the site and the number of representations that have been received.
- 1.3 The Chair of the Heavy Woollen Planning Sub Committee has confirmed that this item can be referred to Heavy Woollen Sub Committee and is in accordance with the Councillors' Protocol for Planning Sub Committees.
- 1.4 The site is allocated for housing on the Kirklees Local Plan (site allocation ref. HS69). This site designation indicates that a capacity of 48 dwellings is applicable for this site.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is located at land at the rear of no. 28 Northorpe Lane which is an area of grassed land which slopes downwards to the east to an area of woodland which is made up of mature trees. The woodland is outside of the red line boundary. To the north of the site is open land which is allocated as Green Belt. At the time of the site visit, there were several trees within the site itself, which have since been felled.
- 2.2 To the south and west of the site is predominantly residential, with a variety of dwelling types within the vicinity of the site. The access to the site will require the demolition of no. 28 Northorpe Lane which is a detached dwelling constructed primarily of render. There is a large area of hardstanding to the front.

2.3 On the frontage of the application site, there is a stone boundary wall. This continues along one side of Northorpe Lane. There are other boundary treatments fronting the other properties, meaning that there is a variety in the area.

2.4 The majority of the application site is within a Coal Mining High Risk Area as defined by the Coal Authority. The site is also within Flood Zone One.

### **3.0 PROPOSAL:**

3.1 Outline planning permission is sought for the erection of residential development. It is only 'access' details that are being sought under this planning application. All matters relating to 'layout', 'scale', 'landscaping' and 'appearance' are reserved for any subsequent reserved matters application.

3.2 The applicant has submitted a plan which shows an indicative layout of 48 dwellings on the site. This site layout is not being assessed as part of this outline planning application; only the principle of development along with the point of access.

3.3 As set out above, it is access details that are being sought at this stage, with the proposed development being served from Northorpe Lane following the demolition of no. 28 Northorpe Lane.

3.4 A serpentine road layout within the development has been shown on the indicative site layout plan. However, this is not under consideration at this stage. The plan also shows parking within the site but once again, this is for indicative purposes only.

3.5 The block plan shows an area of Public Open Space to the north-east corner of the site, on either side of the access to the site and within the site itself however, once again, this is only indicative and the layout is not under consideration at this stage.

3.6 The grassed area of Council Highway land to the west of the application site (adjacent to Northorpe Lane) is advised by officers to be used (in part) as a layby for vehicles to park in. This would be secured via Grampian-style condition, with this condition requiring further details including cross sectional drawings to show how works to the layby shall be secured.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 93/00369 – Change of use of land for the rearing and breeding of ornamental fish together with retention of existing earth mound and 5 ponds and excavation of further 10 ponds for same use REFUSED (appeal allowed)

4.2 2008/9348 – Erection of detached dwelling with integral garage REFUSED (appeal dismissed)

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The case officer has been in negotiations with the agent to secure additional information necessary for the determination of the application – a preliminary ecological appraisal, a flood risk assessment, a health impact assessment and further highways information. This information has been submitted and subsequently reviewed by consultees, and found to be acceptable subject to conditions, for the reasons set out in the main 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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).
- 6.2 The site is allocated for housing on the Kirklees Local Plan (*housing allocation reference HS69*).
- 6.3 Kirklees Local Plan (KLP):

The following policies are considered relevant:

- LP1** – Achieving sustainable development
- LP2** – Place Shaping
- LP3** – Location of new development
- LP11** – Affordable housing and housing mix
- LP20** – Sustainable travel
- LP21** – Highway Safety and Access
- LP22** – Parking
- LP23** – Core walking and cycling network
- LP24** – Design
- LP27** – Flood Risk
- LP28** - Drainage
- LP30** – Trees
- LP32** - Landscape
- LP33** – Biodiversity and geodiversity
- LP35** – Historic environment
- LP38** – Minerals safeguarding
- LP47** – Healthy, active and safe lifestyles
- LP48** – Community facilities and services
- LP49** – Educational and health care needs
- LP50** – Sport and physical activity
- LP51**– Protection and improvement of local air quality
- LP52**– Protection and improvement of environmental quality
- LP53** – Contaminated and unstable land
- LP63** – New open space



#### 6.4 National Planning Policy Framework (NPPF):

**Chapter 2** – Achieving sustainable development

**Chapter 5** – Delivering a sufficient supply of homes

**Chapter 8** – Promoting healthy and safe communities

**Chapter 9** – Promoting sustainable transport

**Chapter 11** – Making efficient use of land

**Chapter 12** – Achieving well designed places

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

**Chapter 15** – Conserving and enhancing the natural environment

**Chapter 16** – Conserving and enhancing the historic environment

**Chapter 17** – Facilitating the sustainable use of minerals

#### 6.5 Supplementary Planning Guidance

- Highways Design Guide Supplementary Planning Document
- Kirklees Local Plan allocations and designations
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)
- Mirfield Design Guide (2002)

6.6 The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Mirfield Neighbourhood Area at present. Furthermore there is no emerging NDP to be considered as a material consideration in assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

### **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised in accordance with the Council's adopted Statement of Community Involvement.

7.2 As a result of the statutory publicity, 80 letters of objection have been received (including a members list of 'Save Mirfield' with 813 signatures). The concerns raised are summarised as follows:

- Principle
- Traffic pollution / highway safety / congestion (photographs and dates attached to representations)
- Reference made to submitted highway reports
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?
- Lots of protected species on the site – Woodpeckers, Cuckoos, Owls, Hares, Rabbits and Rodents
- Inadequate road infrastructure
- Green space being lost
- Disruption
- Loss of trees
- Drainage

- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity
- Drainage of the site
- It is safe to drive through flooding? Risk of vehicle damage, for example.
- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns regarding traffic flow, safety and the road infrastructure
- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access.
- Been told lane does not need resurfacing
- Lane not changed at all since days prior to motor vehicles
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients
- Development of this scale would have a serious impact on local residents
- Application in 2008 was refused to build another single property and the reasons for reasons for refusal should be noted.
- Number of other refusals of Northorpe Lane due to concerns about traffic
- National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.
- Think a message needs to be sent that this is not an acceptable plan in its current form.
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed
- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road. Hardstanding would make this worse – sewage system barely copes at present
- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are under estimated.
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area
- Pressure on medical services and unclear how further demand will be met
- Mirfield schools already oversubscribed – where will the children be educated?
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change
- Density and type of housing does not match the surrounding housing
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams
- Nuisance to residents as a result of contractor vehicles
- Poor air quality
- Surface water problems. Reference made to incidents of flooding and neighbours having to raise their gardens to stop garden being water logged.
- How will mains drainage be provided – no information provided and infrastructure can meet the demand of a new development
- Lower corner of field affected by flooding.
- Currently no housing estates. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall
- Danger to pedestrians and horse riders coming and going to livery yards

- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site
- Overbearing/ overshadowing/loss of light
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring
- Not clear how many houses being applied for – site plan indicates 48, form says 44.
- New houses required but Northorpe Lane totally unsuitable location
- Junctions unsuitable and unable to handle additional burden of such a development
- If one unit not suitable, how is 48 suitable?
- Huge development but limited information and council cannot make a reasoned decision
- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden
- No consent to change field to private garden – presumably use of this land is without planning consent
- Building on land would be harmful to Green Belt and therefore a breach in planning policy
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to under estimate impact from vehicles
- Reference to 89/06112 which has conditions imposed relating to highway safety
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed
- Lose joy of looking onto open green space/ increased shading
- Geology of Northorpe – underlying strata not very permeable
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved
- Impact on human rights
- 2016 similar application was submitted with fewer houses proposed
- Cllr McBride values consultation with local residents. This should be the case in this area.
- No way to widen Northorpe Lane so natural conclusion is to reject the application
- Access to the site is dangerous
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded
- When did fish farm use cease and domestic curtilage use begin?
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates
- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live

- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed
- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28
- Site allocation states that the planning application should be accompanied by several reports – these have not been submitted
- Love to see more horses and sheep grazing on the land
- Smell from the development being constructed
- Protests will be organised and prolonged should plans be allowed be implemented
- Density of building not in keeping with the semi-rural character of Northorpe
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site
- Trees afford privacy and absorb water
- Loss of open space
- Proposed entrance to the site is where the roads narrow considerably
- Noise and disturbance from all the additional properties is a source of concern
- Hard to imagine any employment opportunities arising from the proposals
- Poor design in terms of health and wellbeing – plots crammed to capacity
- Majority of front elevations are hard standing
- POS areas feature on indicative site layout
- Poor condition of the road

7.4 The following concerns have been raised by Cllr Bolt:

- Highways concerns
- Education contributions – where will they go?
- Greenway provision
- Loss of trees
- Concerns relating to discrepancies with the application form

7.5 The following concerns have been made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)
- Application form states no trees or hedgerows on the land
- Lies and misleading comments on the application
- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)
- Highway network not suitable for the capacity of traffic
- Proof of mitigation water run-off tested and proven prior to approval

- Impact on local schools, nature conservation and effect on nearby listed building
- School pedestrian access and lack of footpath along majority of route is health and safety issue.

7.6 Officer comments will be made in Section 10.0 of this report in response to the concerns set out.

7.7 The publicity period is currently underway in order to allow for the re-advertising of the application in relation to the setting of the Grade II listed Northorpe Hall and Public Right of Way MIR/12/60. It is recommended that the application is delegated back to officers to await the expiration of the publicity period.

## 8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### 8.1 Statutory:

- *K.C Highways Development Management* – no objection subject to a Grampian-style condition to secure the provision of a layby on Council Highway land and financial contribution for metro cards and travel plan monitoring.
- *Lead Local Flood Authority* – no objection following submission of Flood Risk Assessment and imposition of relevant conditions.
- *West Yorkshire Archaeology Service* – no objection subject to condition.
- *The Coal Authority* – no objection subject to imposition of conditions.

### 8.2 Non-statutory:

- *K.C Ecology* – no objection subject to conditions.
- *K.C Trees* – no objection. Trees within the site removed. Woodland to the rear of the site not within the red line boundary.
- *K.C Environmental Health* – no objection subject to conditions.
- *K.C Landscape* – contributions required (to be conditioned).
- *K.C Education* – contributions required (to be conditioned).
- *K.C Housing* – contributions required (to be conditioned).
- *K.C Public Health* – required Health Impact Assessment.
- *K.C Public Right of Way* – awaiting comments which shall be reported in the update.

- *K.C Conservation and Design* – Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby.

## **9.0 MAIN ISSUES**

- Principle of development, land use and sustainability
- Visual amenity/local character
- Residential amenity
- Highway issues
- Representations
- Other matters

## **10.0 APPRAISAL**

### **Principle of development, land use and sustainability**

- 10.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site was previously Green Belt land but is allocated for housing in the Local Plan (site reference HS69) which relates to the entire site subject of this planning application. Full weight can be given to this site allocation document which identifies the following constraints that are relevant to the site:
- Third party land required to achieve sufficient visibility splays
  - Part/all of the site is within a high risk coal referral area
- 10.4 An indicative capacity of 48 dwellings is noted in the supporting text of the site allocation.
- 10.5 Subject to highways, design, residential amenity and other matters being appropriately addressed, it is considered that residential development on this site is acceptable in principle, and would make a contribution towards meeting housing need in Kirklees.
- 10.6 Furthermore, and subject to further details that would be submitted at Reserved Matters stage, should outline permission be granted, it is considered that residential development at this site can be regarded as sustainable, given the site's location adjacent to an accessible, already-developed area, its proximity to public transport and other facilities, and the measures related to transport that can be put in place by developers.

- 10.7 The Design and Access Statement submitted with the application states that the site is located just over one mile from the centre of Mirfield and just under one mile from the centre of Ravensthorpe, both of which provide a good range of shops and services. There are several schools within the vicinity and the site is easily accessible by public transport, with good bus routes within 200m walking distance of the site. Buses run along Shillbank Lane to the south of the site which provide access to both Dewsbury and Leeds. Considering the above, it is considered that this site is within a sustainable location and would comply with Paragraph 108 of the NPPF which states that *“appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location”*.
- 10.8 Officers’ recommendation is to accept the principle of residential development at this Greenfield site. If this site is to be released for development, the development’s impacts would need to be mitigated, and a high quality development would be expected. These matters are addressed later in this report, and would require further consideration at reserved matters stage.
- 10.9 It is worth noting that an application, referenced 2008/93748, was refused and dismissed at appeal for the erection of a detached dwelling to the rear of the existing dwelling at the site. The reasons for refusal related to the principle of development in the Green Belt, residential amenity and a shared access for two dwellings resulting in highway safety matters. However, given the differences in scale, location and access, it is not considered that a direct comparison between the two applications is considered relevant. The recommendation for approval is not considered to contradict this previously refused application.

### **Urban Design**

- 10.10 This outline planning permission seeks approval of access details rather than ‘layout’ and therefore the site layout plan referenced 2600-010 must be regarded as indicative and has not been assessed in detail at this stage. However, as this and other drawings are currently before the council, it is appropriate to comment on them, to inform future design work.
- 10.11 Relevant design policies include those set out in Chapter 12 of the NPPF and Policies LP2 and LP24 of the Kirklees Local Plan.
- 10.12 Chapter 12 of the NPPF states that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” Policy LP24 of the Kirklees Local Plan reiterates this and aspires for all developments to be of good quality.
- 10.13 The applicant’s indicative layout illustrates an estate road, winding downhill towards the former railway line. Around the estate road, the applicant proposes 48 dwellings provided in a mix of short terraces, detached and semi-detached dwellings. Four private drives are proposed off the estate road.
- 10.14 The applicant has not provided a justification for the proposed layout. Many planning matters should inform layout including topography, local character highways considerations, flood routing and residential amenity.

- 10.15 Officers consider that there is a mix of dwellings in the immediate surrounding area and therefore, in principle, the applicant's proposed mix of housing typologies could be accepted on this site. Notwithstanding this, there are concerns with the proposed site layout. The site layout is dominated by the internal estate road and parking to the front of the majority of the dwellings. This is considered to be poor design and a layout that would not be supported at reserved matters stage. Officers are of the opinion that more can be done to minimise the visual impact of the development's parking spaces.
- 10.16 The proposed layout would necessitate reversing of refuse vehicles, and may also be of concern in relation to dementia friendly design.
- 10.17 Details of elevations, house types (including associated amenity spaces), materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.18 As well as the above, K.C Police Architectural Liaison Officer states that the site would have open access to wooded areas and fields and the disused railway line to the North East could provide pedestrian access to offenders. The proposed development should include substantial boundary treatment to these sides in particular. This can be addressed at reserved matters, through a condition which seeks to minimise the risk of crime.
- 10.19 The site will require an affordable housing provision at 20% of the total number of dwellings. Consideration should be given to mixing such housing within the development to avoid a concentration of affordable housing in one location on the site.
- 10.20 On a site of approx 1.35 hectares, 45.5 dwellings would be required to achieve the required density of 35 dwellings per hectare. In this case, the proposed layout indicates 48 dwellings and therefore the indicative site plan is of a satisfactory density to comply with Policy LP11 and Chapter 11 of the National Planning Policy Framework being taken into account. This policy states that planning decisions should promote an effective use of land. Paragraph 123c of Chapter 11 of the National Planning Policy Framework also states that Local Planning Authorities should refuse applications which they consider to fail to make efficient use of land. This matter will be considered in greater detail at reserved matters stage when numbers are finalised.
- 10.21 Although the number of units, their sizes and tenures would not be fixed upon approval of outline planning permission, the applicant has nonetheless submitted relevant information, upon which it is appropriate to comment.
- 10.22 The application form states that all dwellings will be for market sale.
- 10.23 Kirklees Local Plan Policy LP11 states that all proposals for housing will be of a high quality design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. The housing mix should reflect the proportions of householders that require housing, achieving a mix of house size and tenure.



- 10.24 K.C Strategic Housing has been consulted on the planning application and has stated that there is a significant need for affordable 1, 2 and 3 bed properties in the Dewsbury and Mirfield SHMA sub area. 10 affordable dwellings are sought from this proposed development. In this case, K.C Strategic Housing are satisfied that the affordable housing contribution can satisfactorily comprise 3 and 4 bedroom homes, as per the existing proposals.
- 10.25 At Reserved Matters stage, more detail of the proposed affordable housing provision would be required, in particular in relation to tenure and the location of the dwellings. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development (as discussed in the visual amenity section). In this case, 6 social/affordable rented dwellings and 4 intermediate dwellings would be recommended for this development and can be secured via condition at this stage (and subsequent S106 Agreement).

### Summary

- 10.26 The principle of development the site on this housing allocation is considered acceptable from a visual amenity perspective, in accordance with Policies LP11 and LP24 of the Kirklees Local Plan and Chapters 5 and 12 of the National Planning Policy Framework. However, as set out above, the layout proposed is not under consideration at this stage and nor have any details been submitted for consideration regarding the scale or appearance of the proposed dwellings. Such matters would be considered as the subsequent reserved matters stage should outline planning permission be granted.

### Residential Amenity:

- 10.27 The principle of residential development at this site is considered acceptable in relation to the impact on the amenity of occupants of neighbouring residential properties. Chapter 12 of the National Planning Policy Framework states that planning decisions create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 10.28 As noted above, the submitted block plan has been submitted for indicative purposes only, however it is nonetheless appropriate to comment on it in relation to the amenity of existing neighbouring residents, to inform future design work.
- 10.29 Adequate distances could be achieved between the proposed dwellings and the existing dwellings on Northorpe Lane and Northorpe Court. Other residential properties are located a sufficient distance away from the application site so as not to be adversely be affected by the proposed development in terms of natural light, privacy and outlook.

- 10.30 The quality and amenity of the future occupiers of the proposed residential accommodation is also a material planning consideration, although it is again noted that details of the proposed development's appearance, landscaping, layout and scale are reserved at this stage.
- 10.31 Officers consider that all houses shown on the applicant's indicative layout would benefit from dual aspect, and are capable of being provided with adequate outlook, privacy and natural light. The proposed houses could also be provided with adequate outdoor private amenity space.
- 10.32 K.C Environmental Health have identified a nearby noise generating source at Humac Associates Supplies at Stoney Lane and Northorpe Working Men's Club. A condition has been recommended to ensure that a noise report is submitted to protect the impact on future occupiers of the dwellings from these nearby noise generators, as well as to ensure that no undue pressure is put on these existing land uses should planning permission be granted by introducing residential development in close proximity. This is to ensure compliance with policy LP52 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.
- 10.33 Finally, a condition requiring the submission and approval of a Construction Management Plan is recommended. Should planning permission be granted, the necessary discharge of condition submission would need to sufficiently address the potential amenity impacts of construction work at this site including dust management.

Summary:

- 10.34 To conclude, the impact on the residential amenity of surrounding occupiers can be sufficiently minimised via suggested conditions and as part of any subsequent reserved matters submission (should planning permission be granted), thus complying with Policies LP24 and LP52 of the Kirklees Local Plan and the aims of Chapters 12 and 15 of the National Planning Policy Framework.

**Highway issues:**

- 10.35 The main issue for consideration as part of this outline planning application is 'access' and therefore significant consideration has been given to the impact of the proposed access point at the site. The internal road layout and parking arrangements have not been commented on. Therefore, the assessment of the point of access is based on the following information that has been submitted:
- Road Safety Audit Stage 1
  - Designer's response to Stage I Road Safety Audit
  - Technical Note
  - Transport statement
  - Site plan showing access to the site
- 10.36 Chapter 9 of the National Planning Policy Framework state that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree. Policy LP21 of the Kirklees Local Plan reiterates this.

- 10.37 As part of the assessment in relation to highway safety and efficiency, K.C Highways Development Management has been consulted on the planning application. Initially, a concern was raised in terms of a lack of information to assess the proposed development. Subsequently, further information (as detailed above) was provided, and this will form the basis of the assessment on highway grounds, discussed below.
- 10.38 The proposed site layout plan shows access to the land at the rear of no. 28 Northorpe Lane by demolishing the existing bungalow. The speed surveys identify the location of the counts that have been carried out and show that the proposed access and sightlines can be achieved at the site but a concern has been raised in terms of the submitted swept path analysis for an 11.85m refuse collection vehicle at the site access, with accessibility to the application site being limited for refuse collection purposes. Consideration was given to achieving an acceptable width for this vehicle to pass.
- 10.39 The Highway Safety team has been consulted and raised a concern in terms of a financial contribution for a traffic regulation order which involves a single yellow line. This legal order has the potential to be refused. As well as this, the extent of single yellow line would not be adequate to accommodate all of the vehicles that currently park on Northorpe Lane. For these reasons, K.C Highway Safety objected to the original recommendation for a Traffic Regulation Order.
- 10.40 Instead, a Grampian condition has been recommended to ensure that a layby adjacent to Northorpe Hall is provided prior to the construction work associated with the development commencing. The grass verge that would be partly used to form the layby is Council owned Highway land therefore it is considered that there is a prospect that the action in question can be performed within the time limit imposed by the permission, in line with National Planning Policy Guidance on Grampian conditions.
- 10.41 The provision of a layby would provide certainty of parking for around twelve vehicles, meaning that the vehicles that currently park on Northorpe Lane would continue to have an area to park, and a refuse collection vehicle would have adequate space to manoeuvre into and out of the site. Highway Safety concur with the revised recommendation of the Highways Development Management team and request that further information is provided on the achievability of this given the slope of the grass verge.
- 10.42 In the submitted Technical Note dated Dec 2019, information on the proposed gradients at the access was provided and is in line with the Council's supplementary planning document 'Highway Design Guide' and considered acceptable for adoption purposes. As well as this, the technical note also provides evidence that the committed developments for the allocated site HS70 have been taken into account and confirms that the anticipated operation of the junction is within capacity and therefore is considered to be acceptable.

- 10.43 For any subsequent reserved matters application, consideration needs to be given to Policy LP22 of the Kirklees Local Plan. A parking schedule and provision for the storage and collection of waste should also be addressed. Reference should be made to the Supplementary Planning Document 'Highway Design Guide'. Again, as stated above, the layout of the proposed development is not being considered and therefore these issues are not relevant to this current outline planning application. However, it is considered that the required parking provision is acceptable.
- 10.44 Given the scale of nature of the development and its location, The West Yorkshire Combined Authority have requested that the developer provides a financial contribution to ensure that residential metro cards for the development are provided, as well as contributions to facilitate the provision of a bus shelter and a Real Time Information display at an existing bus stop.
- 10.45 As well as the above financial contributions, Kirklees Council also requires developers to contribute to the cost of monitoring travel plan progress. This fee will cover assistance with the development of the Framework Travel Plan. All of the financial contributions, as well as the provision of a layby as discussed above, is required to make the scheme acceptable in highway safety terms and, as this stage, can be secured via condition and subsequent S106 Agreement.
- 10.46 The proposal is acceptable in principle subject to conditions. The proposed development and the proposed access to the site is satisfactory to comply with Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the National Planning Policy Framework.

#### Public and Environmental Health

- 10.47 The Council's Public Health team have commented on a Health Impact Assessment that has been submitted by the applicant. The applicant's information has been assessed in relation to Policy LP47 of the Kirklees Local Plan and Chapter 8 of the National Planning Policy Framework. Subject to the comments of the Public Health team being considered, the proposed development is acceptable and will be considered further at reserved matters stage in relation to air quality, on-site and local outdoor activity, inclusive design, connections to the area's Public Rights of Way network, the shared cycleway/footway required outside the application site, and other matters relevant to planning and health, it is considered that the proposed development could assist in promoting healthy, active and safer lifestyles in accordance with relevant planning policies. This could be resolved at reserved matters stage.

#### Charging points

- 10.48 For air quality reasons and to encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, Local Plan policies LP21, LP24 and LP51, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. Charging points for every dwelling, and one for every 10 visitor parking spaces, would be required, and an appropriate condition is recommended.

## Climate Change

10.49 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

## Coal Mining

10.50 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. This is, however, not a reason for refusal of outline planning permission. The applicant has submitted a Coal Mining Risk Assessment which notes the coal mining legacy of the site and the surrounding area, and recommends site investigation to determine ground conditions and any risk posed to the proposed development. A relevant pre-commencement condition is recommended in accordance with the advice of the Coal Authority to ensure that the proposed development complies with LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

## Contaminated Land

10.51 The site is located in an area which has been identified as being contaminated. K.C Environmental Health have commented on the planning application and confirmed that a Phase I Preliminary Risk Assessment is required prior to the commencement of any ground works at the site. Subsequent reports may be required if contamination is found following the investigation of the groundworks as per the above report. A condition has been recommended to ensure that these reports are secured at outline planning application stage.

10.52 The proposal therefore complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

## Ecological implications

10.53 K.C Ecology has been consulted on the application and the applicant has submitted a Preliminary Ecological Appraisal (PEA). This document indicates that the habitats present are generally of lower botanical value, but identifies the need for additional surveys to advise on the importance of the site for roosting bats, foraging bats and reptiles.

10.54 As this planning permission is purely assessing the principle of development and is not establishing housing numbers and housing types, the K.C Ecology Officer is satisfied that the additional survey needed to design a scheme that complies with relevant ecology policies can be undertaken in a reserved matters application stage. There is no objection in principle to the housing allocation on ecological grounds and it is possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy LP30 and Chapter 15 of the NPPF. This is likely to require alterations to the site layout at reserved matters stage.

#### Trees

10.55 There is a woodland to the rear of the site which is outside of the application site's red line boundary. Nonetheless, consideration has been given to the impact on this woodland area as a result of the proposed development. As well as this, it is noted that mature trees within the site have been felled. This issue caused concern for members of the public. K.C Trees have commented on this and advised that there is no cause for concern in this regard. The trees are not protected by tree preservation order or by their status within the conservation area.

10.56 The Council's Tree officer has confirmed that the remaining trees are not worthy of protection and any future felling of these trees will not result in a harmful impact on visual amenity or the character of the area. The Council's Tree Officer has not objected to the development in principle to residential development at the site.

10.57 The proposed development complies with LP30 of the Kirklees Local Plan and Chapter 15 of the National Planning Policy Framework.

#### Planning obligations and financial viability

10.58 The size of the site indicatively proposes 48 dwellings and would therefore trigger contributions relating to education, public open space and affordable housing, each of which would require a financial contribution.

10.59 To accord with Local Plan policy LP11, 20% of the proposed development's residential units would need to be secured as affordable housing.

10.60 The Council's Education department were consulted and commented that a contribution of £103,756 would be required. This is based on the applicant's current indicative proposed layout. Following further design work, however, the number of units proposed at Reserved Matters stage may trigger the need for a larger or smaller contribution.

10.61 Some Public Open Space (POS) has been shown on the applicant's indicative layout plan. As noted above, amendments to the proposed site layout would be necessary at the Reserved Matters stage, and this may affect the on-site provision of public open space and the need for contributions towards off-site provision to make up any shortfall. The K.C Landscape team have commented on the application and stated that the development triggers open space requirements and a requirement for children and young people's provision as per the Fields in Trust requirements in the form of a Local Area of Play.

- 10.62 No details have been provided in regards to the open space that is indicated on the site layout in terms of its measurements and the typology of the areas. It is noted that the Mirfield ward has quantity deficiencies in open space typologies for Parks and Recs and semi natural and natural spaces. This would be secured via condition and subsequent S106 Agreement once details have been agreed at the Reserved Matters Stage (subject to permission being granted).
- 10.63 Contributions intended to mitigate the highway impacts of the proposed development will also need to be secured at Reserved Matters stage, especially in relation to the contribution to fund a layby which is required to ensure that a refuse vehicle can access the site safely and the financial contributions requiring due to the nature and scale of the proposed development (see highway safety section above). This is expanded on in the highway safety section of this report.
- 10.64 The need for final contributions would be assessed once the proposed number of residential units has been confirmed as part of any subsequent reserved matters application (subject to outline permission being granted) however, they can be secured via suggested condition at this stage.
- 10.65 Conditions imposed on grants of planning permission have to satisfy the 6 tests for a condition (necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects).
- 10.66 Conditions relating to contributions, in this instance, all meet the 6 tests set out in Paragraph 55 of the National Planning Policy Framework. The contributions are required to make the development acceptable and to mitigate the impact caused by it.

#### Historic Environment

- 10.67 To the west of the site is Northorpe Hall Trust which is a Grade II listed building. Whilst this is on the opposite side of the highway, consideration has been given to its setting, the application has been re-advertised as such. This housing development is a reasonable distance from the site and would not affect the principle of development for residential at the site. The listed buildings at Northorpe Hall was not raised in the list of constraints for the site allocation.
- 10.68 The proposed layby adjacent to Northorpe Hall has the potential to obscure the view of the stone boundary wall which borders the listed building, as well as changing the character of this part of Northorpe Lane. The K.C Conservation Officer has been consulted on the impact on the setting of this listed building. Subject to a suitable parking layout plan, which includes a buffer close to this wall, and the retention of any necessary screening, there is no objection in principle to the use of this land for a parking layby. A condition requiring this information will be recommended.
- 10.69 The National Planning Policy Framework states that where a development has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment.

- 10.70 The application site is in an area of known archaeological potential and therefore West Yorkshire Archaeology Advisory Service has been consulted on the application and stated that there is currently an unknown potential for archaeological remains to be present within the proposed development site.
- 10.71 The West Yorkshire Archaeology Advisory Service has recommended that the development should provide the Local Planning Authority with an archaeological evaluation, based on appropriate analytical methods. Instead of requesting an archaeological survey prior to the determination of this planning application, a condition will be imposed stating that no development shall commence until a written scheme of archaeological investigation has been submitted and approved in writing.
- 10.72 In all, with the inclusion of the suggested conditions, the proposed development is considered acceptable from a heritage perspective and complies with policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Flood Risk (site within Flood Zone 1)

- 10.73 The site is in Flood Zone 1 and therefore the applicant submitted a site specific Flood Risk Assessment which was subsequently reviewed by the Local Lead Flood Authority. The site is in the lowest area at risk of flooding.
- 10.74 The National Planning Policy Framework states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;
  - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
  - d) any residual risk can be safely managed; and
  - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.
- 10.75 This is reiterated in the Kirklees Local Plan Policy LP27 'Flood Risk'.
- 10.76 Following the submission of the Flood Risk Assessment and re-consultation with the Lead Local Flood Authority after receiving this information, there is no objection to the proposed development subject to consideration of the measures discussed within the Flood Risk Assessment (17632-D-FRA-001-R1).
- 10.77 When 'layout' is assessed, these considerations need to be taken into account, including a more suitable design to ensure that new properties are not at risk of flooding or displace flooding elsewhere that may impact third parties.



10.78 In conclusion, considering the above information and relevant conditions, and especially consideration of the proposed layout at reserved matters stage, the proposed development complies with policy LP27 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework.

#### Pre-commencement conditions

10.79 The developer's agreement to the pre commencement condition has been agreed in writing to comply with the Town and Country Planning (Pre Commencement Conditions) Regulations 2018.

#### Public Right of Way (MIR/12/60)

10.80 Chapter 8 of the National Planning Policy Framework states that planning decisions should protect and enhance public rights of way and access. Policy LP23 of the Kirklees Local Plan states that existing public rights of way should be protected and enhanced.

10.81 Public Right of Way Mir/12/60 runs to the West of the site past Northorpe Hall. This is on the opposite side of the highway to no. 28 Northorpe Lane, but is in close proximity to the proposed layby position. Whilst it is acknowledged that the proposed layby will be located close to this footpath, the proposed development, subject to an appropriate scheme being submitted at discharge of condition stage, will ensure that the existing public right of way will be protected. This means that the proposed development also complies with LP23 of the Kirklees Local Plan which reiterates the aim of Chapter 8 of the National Planning Policy Framework.

#### Minerals safeguarding

10.82 The site is over 1000sq m and is within a wider mineral safeguarding area and therefore Local Plan Policy LP38 applies. This policy is important to ensure that known mineral reserves are protected from permanent development which may sterilise such resources through encouraging the extraction of mineral, if feasible, prior to non-mineral extraction taking place.

10.83 This policy states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of Policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it.

#### **Representations:**

10.84 80 letters of objection (including 815 signatures from 'Save Mirfield') have been received raising the following concerns which are addressed by officers as follows:

- Principle of development  
*Officer comment: the site is allocated for housing in the Kirklees Local Plan. See principle of development section of this report.*

- Traffic pollution / highway safety / congestion (photographs and dates attached to representations). Inaccuracies within highway report.  
*Officer comment: Highways DM have reviewed the objections to the application and consider that the provision of a layby is suitable to overcome concerns – see above highway safety section of the report.*
- Ecological survey makes reference to trees, habitat and wildlife. Since the survey, the site circumstances have changed. Is the report still relevant?  
*Officer comment: K.C Ecology have reviewed the information and site context and stated that the principle of development is not a cause for concern on ecological grounds.*
- Lots of protected species on the site – woodpeckers, cuckoos, owls, hares, rabbits and rodents  
*Officer comment: the K.C Ecology Officer has commented on the planning application with regards to protected species. See the other matters section of this report.*
- Inadequate road infrastructure  
*Officer comment: see highway safety section of this report. It is the point of access that is being applied for as part of this planning application.*
- Green space being lost  
*Officer comment: As mentioned above, the site is allocated for housing on the Kirklees Local Plan.*
- Disruption during construction phase  
*Officer comment: K.C Environmental Health have requested a condition for a construction management plan to ensure that there is no harmful disturbance and noise to nearby residents during the construction phase.*
- Loss of trees  
*Officer comment: K.C Trees have commented on the planning application and there is no objection to the proposed development. See other matters section of this report.*
- Drainage  
*Officer comment: There is no objection from the Local Lead Flood Authority. See other matters section of this report.*
- Construction traffic on Northorpe Lane – many issues associated with this which made lead to an increased risk of accidents  
*Officer comment: Highways DM and Highways Safety have reviewed the application and there is no objection to the point of access that is being proposed.*
- Flooding incidents – concern going back a few years. Building on green field will deprive the locality of valuable run off and water soak away capacity  
*Officer comment: See consultation response from Local Lead Flooding team and the other matters section of this report.*
- It is safe to drive through flooding? Risk of vehicle damage, for example.  
*Officer comment: this is a private matter.*

- Work by Northorpe Hall Trust can include events of up to 100 people on site – concerns re traffic flow, safety and the road infrastructure  
*Officer comment: see highway safety section of this report.*
- Limited visibility due to cars being parked on either side of the road as many houses do not have parking spaces of their own  
*Officer comment: concern was initially raised by Highways DM in this regard. A Grampian condition has been recommended to ensure that a layby is provided prior to the development being brought into use, this will allow a refuse vehicle to access the site.*
- May directly impact on experience of young people, families and professionals visiting and on employees and volunteers due to lack of easy access at Northorpe Hall.  
*Officer comment: this is noted. Highways Development Management have assessed the site context – see highway safety section.*
- Lane not changed at all since days prior to motor vehicles/ been told lane does not need resurfacing  
*Officer comment: this is not a material planning consideration.*
- Difficulty for emergency vehicles and carers navigating the area for elderly and disabled clients at Northorpe Hall  
*Officer comment: see highway safety section of this report.*
- Development of this scale would have a serious impact on local residents  
*Officer comment: see principle of development section of this report. The density of the proposed development is acceptable in accordance with local plan Policy LP11 and Chapter 11 of the NPPF.*
- Application in 2008 was refused to build another single property and the reasons for refusal should be noted.  
*Officer comment: see principle of development section of this report which refers to the 2008 application at the site.*

Number of other refusals on Northorpe Lane due to concerns about traffic National and local policies have changes but conditions on the highway have not improved, indeed they have worsened.

*Officer comment: Highway Safety is a material planning consideration that is given significant weight in this application. National and local planning policies aim to ensure a satisfactory impact on highway safety.*

- Think a message needs to be sent that this is not an acceptable plan in its current form.  
*Officer comment: As part of this application, it is the principle of development and the access to the site that is being assessed. The layout, scale, appearance and landscaping of the site is not being applied for.*
- Field for building is Green Belt, therefore planning for the erection of buildings should not be passed. Breach in planning policy  
*Officer comment: the site is allocated for housing and is not within the Green Belt.*

- Drainage at the bottom of the field is an issue as it is parallel with the old railway line. Implications for the surfaces of the road and neighbouring properties. Hardstanding would make this worse – sewage system barely copes at present. Surface water problems. No information provided.  
*Officer comment: see other matters section of the report. The Local Lead Flood Authority have commented on the application and no objection is raised.*
- Trip generation from the proposed development and schools considered. Walking distances in D and A statement are under estimated.  
*Officer comment: Highways DM have reviewed the submitted information and it is considered that the site is in a sustainable location.*
- Sympathy to landscape – historic value Grade 2 listed Hall in Northorpe. The proposed buildings are not sympathetic to this.  
*Officer comment: it is noted that the development site is to the east of the application site. Layout and scale of the proposed development is not being considered in this application.*
- 44-48 houses will more than double the number of homes on Northorpe Lane, having a negative impact on the nature of rural area  
*Officer comment: Layout and scale of the proposed development is not being considered in this application. The application site is allocated for housing on the Kirklees Local Plan.*
- Pressure on medical services and unclear how further demand will be met  
*Officer comment: Given the scale of the development, this is not a concern.*
- Mirfield schools already oversubscribed – where will the children be educated?  
*Officer comment: As stated within the report, the scale of the development will trigger a contribution to education within the area.*
- Small development would destroy existing mature trees and wildlife habitat – contribute to climate change  
*Officer comment: this is noted. Consultation responses from K.C Ecology and K.C Trees has been received and no concern is raised in this regard. see other matters section of this report.*
- Density and type of housing does not match the surrounding housing  
*Officer comment: The type of housing is not being applied for as part of this planning permission. The density of the housing is acceptable as stated above.*
- Old coal mines exist in the land and pollution could result from disturbing the old workings and underground seams  
*Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre commencement condition requiring intrusive site investigation.*

- Poor air quality  
*Officer comment: the proposed development has been assessed against Local Policy LP51 of the Kirklees Local Plan and Chapter 14 of the National Planning Policy Framework, and K.C Environmental Health have commented on the application. A condition has been recommended to ensure that electric charging points are provided at any subsequent reserved matters stage.*
- Lower corner of field affected by flooding.  
*Officer comment: this is noted. See consultation response from Local Lead Flooding team.*
- Currently no housing estates in the area. The proposed is not in character with the area which is a mixture of houses from all different eras along Northorpe Hall  
*Officer comment: the layout of the proposed development*
- Danger to pedestrians and horse riders coming and going to livery yards  
*Officer comment: see highway safety section of this report.*
- Loss of privacy/overlooking. Site plan does not accurately represent the neighbouring properties near the site  
*Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.*
- Overbearing / overshadowing / loss of light  
*Officer comment: at this stage, layout, appearance and scale of the proposed development is not being applied for. This is a consideration for a subsequent reserved matters application.*
- Supporting documents and application form misleading and factually inaccurate, including traffic monitoring  
*Officer comment: the documents mentioned within the site allocation designation are noted. The required documents have been submitted and assessed by relevant consultees.*
- Not clear how many houses being applied for – site plan indicates 48, form says 44.  
*Officer comment: it is noted that this is the case. The layout and number of dwellings are not being applied for as part of this outline application.*
- New houses required but Northorpe Lane totally unsuitable location  
*Officer comment: this is noted. The site is allocated for housing development.*
- Junctions unsuitable and unable to handle additional burden of such a development  
*Officer comment: see highway safety section of this report.*

- If one unit not suitable, how is 48 suitable?  
*Officer comment: the previous application was on land allocated as green belt on the Kirklees Unitary Development Plan. The current planning application for residential development is proposed on land allocated for housing on the Kirklees Local Plan.*
- Huge development but limited information and council cannot make a reasoned decision  
*Officer comment: the application is for outline permission with details relating to access only. Other matters are reserved for a future reserved matters application and therefore full details are not required at this stage.*
- Field was to provide a buffer between Mirfield and Ravensthorpe – applicant says it's private garden  
*Officer comment: following a site visit, it is noted that the land is manicured as a domestic garden and is used as such. The land is also allocated for housing.*
- No consent to change field to private garden – presumably use of this land is without planning consent  
Officer comment:
- Form states 64 parking spaces will be available on site – why does plan show 110 spaces? Deliberate attempt to under estimate impact from vehicles  
*Officer comment: the layout plan and numbers of parking spaces is indicative and therefore is not being considered as part of this outline planning permission which is solely assessing the point of access at the site.*
- Reference to 89/06112 which has conditions imposed relating to highway safety  
*Officer comment: this has been reviewed and noted. Each application is based on its own merits.*
- Green corridor between Heckmondwike, Mirfield and Dewsbury will be shortened  
*Officer comment: it is noted that the site is a green field and that housing will erode this openness. However, this site is allocated for housing in the Kirklees Local Plan.*
- Residents not notified of the removal of land from the green belt register – this should be enough to refuse the application as green belt status unethically removed  
*Officer comment: The Kirklees Local Plan process involved robust testing from the Planning Inspectorate. This is not a material planning consideration for this application.*
- Loose joy of looking onto open green space / increased shading  
*Officer comment: this is noted. A loss of a view is not a material planning consideration.*

- Geology of Northorpe – underlying strata not very permeable  
*Officer comment: The Coal Authority have been consulted on the application and raised no objection to the application subject to a pre commencement condition requiring intrusive site investigation.*
- Countless brownfield sites that could easily be redeveloped for housing – open green spaces should not be approved  
*Officer comment: the application site is allocated for housing and the proposed development is assessed in the context of the proposed application site.*
- Impact on human rights  
*Officer comment: this is noted. Residential amenity has been covered in the officer report*
- 2016 similar application was submitted with fewer houses proposed  
*Officer comment: this does not relate to the application site.*
- Cllr McBride values consultation with local residents. This should be the case in this area.  
*Officer comment: this is noted*
- No way to widen Northorpe Lane so natural conclusion is to reject the application  
*Officer comment: see highway safety of this report. A parking layout at the site is considered to be satisfactory to allow a refuse vehicle to access the site safely.*
- Access to the site is dangerous  
*Officer comment: see highway safety section of this report.*
- Traffic counter placed above the entrance to Northorpe Hall so vehicles that use the Hall cannot be counted – significant amount of traffic would not be recorded  
*Officer comment: Highways Development Management have been consulted on the application and reviewed the information submitted. There is no objection to the methods of carrying out the traffic survey.*
- When did fish farm use cease and domestic curtilage use begin?  
*Officer comment: this information is not known. However, the site is allocated for housing and therefore the principle of development is acceptable.*
- Mirfield lacks local jobs – recent development appears overly biased towards residential driving  
*Officer comment: the scheme for residential development requires parking provision at the site. The site is also within a sustainable location close to public transport links.*
- Houses needed within the Local Plan not driven by local demand/need, but by the plan to replace diminished central government grants/ funding with new council tax and business rates  
*Officer comment: this comment is noted. As stated above, the Local Plan has been through robust testing and housing need/demand has been evidenced.*

- Kirklees Council needs an appropriate political and commercial solution to funding its budget to provide local services  
*Officer comment: this is noted.*
- Increasing housing densities without supporting infrastructure will make Kirklees a poorer and more dangerous place to live  
*Officer comment: the application proposal achieves the required density at the site. Contributions to affordable housing, public open space and education has been conditioned to mitigate the impacts of this development.*
- Trees being cut down on a daily basis – can this be condoned given that the application is still being considered?  
*Officer comment: see other matters section of this report.*
- Not possible for the principle of access to be correctly evaluated until full details of the intended development have been disclosed  
*Officer comment: the site is allocated for housing, with an indicative capacity of 48 dwellings. Highways Development Management have carried out their survey on this basis.*
- No details of foul sewage- site is landlocked and therefore requirement for pumping which does not accord with LP28  
*Officer comment: drainage details will be required by condition.*
- Site allocation within the Kirklees Local Plan document states that the planning application should be accompanied by several reports – these have not been submitted  
*Officer comment: the necessary reports have been submitted.*
- Love to see more horses and sheep grazing on the land  
*Officer comment: this is noted.*
- Smell from the development being constructed  
*Officer comment: a construction management plan has been recommended as a condition to ensure that the impact on residential amenity is acceptable.*
- Protests will be organised and prolonged should plans be allowed be implemented  
*Officer comment: this is noted and is not a material planning consideration.*
- Density of building not in keeping with the semi-rural character of Northorpe  
*Officer comment: see the principle of development section of this report. Chapter 11 of the National Planning Policy Framework requires that developments ensure an efficient use of land. The proposed indicative layout meet Kirklees Local Plan density requirements.*
- What provision is to be made for the planting of trees and shrubs along southern boundary and on the rest of the site  
*Officer comment: this is a matter to be considered at any subsequent reserved matters stage.*



- Trees afford privacy and absorb water  
*Officer comment: this is a matter to be considered at any subsequent reserved matters stage.*
- Proposed entrance to the site is where the roads narrow considerably  
*Officer comment: see highway safety section of this report.*
- Noise and disturbance from all the additional properties is a source of concern  
*Officer comment: see residential amenity section of this report.*
- Hard to imagine any employment opportunities arising from the proposals  
*Officer comment: this is noted.*
- Poor design in terms of health and wellbeing – plots crammed to capacity  
*Officer comment: the layout of the site is not being considered as part of this outline planning application. This will be dealt with at any subsequent reserved matters stage.*
- Majority of front elevations are hard standing  
*Officer comment: the site layout is not being assessed at this stage. See visual amenity section of this report.*
- POS areas feature on indicative site layout but these may be used for infrastructure for drainage instead  
*Officer comment: this is noted.*

#### 10.85 Comments from Councillor Martyn Bolt:

- Highways concerns  
*Officer comment: see highway safety section of this report.*
- Education contributions – where will they go?  
*Officer comment: contributions will be finalised at any subsequent reserved matters stage. The contributions would go to Crossley Fields School and the Mirfield Free Grammar School.*
- Greenway provision  
*Officer comment: this has not been requested by Highways Development Management*
- Loss of trees  
*Officer comment: see other matters section of this report.*
- Concerns relating to discrepancies with the application form  
*Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.*

## 10.86 Concerns made by Mirfield Town Council:

- Concern relating to application form (lack of integrity and honesty)  
*Officer comment: this is noted. However, the case officer has been to the site and understood the proposed development's context. A sufficient assessment of the proposed development could be carried out.*
- Application form states no trees or hedgerows on the land  
*Officer comment: this is noted. The K.C Tree Officer has commented on the planning application and confirmed that there is no concern about the removal of trees. The case officer and consultees are fully aware of the site context.*
- Lies and misleading comments on the application  
*Officer comment: this is noted.*
- Traffic counters placed in areas with low traffic counts (does not give an accurate view of the amount of traffic)  
*Officer comment: this comment is noted. Highways DM are satisfied with the transport statement and other reports submitted with the application.*
- Highway network not suitable for the capacity of traffic  
*Officer comment: see highway safety section of this report.*
- Proof of mitigation water runoff tested and proven prior to approval  
*Officer comment: the principle of development has been assessed by the Local Lead Flood Authority who have confirmed that there is no objection to the proposed development. A condition has been recommended for a drainage scheme to be submitted. At this stage, layout is not being considered.*

## 11.0 CONCLUSION

- 11.1 To conclude, the concerns summarised above have been carefully considered however, when assessing this planning application in relation to national and local planning policy, along with all other material planning considerations, officers are of the opinion that the principle of residential development on this site which is allocated for housing on the adopted Kirklees Local Plan is acceptable. Furthermore, on the basis of the submitted information and subject to appropriate conditions, the point of access is also considered appropriate from a highway safety perspective.
- 11.2 The NPPF 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. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

## **Suggested Conditions:**

1. Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within 3 years.
4. Time limit for commencing development.
5. Development to be carried out in accordance with approved plans and specifications.
6. Affordable housing contribution.
7. Education contribution.
8. Open space contribution.
9. Submission of a Travel Plan, to include metro card provision, provision of bus shelter and monitoring of Travel Plan.
10. Submission of a Drainage Maintenance and Management Scheme.
11. Submission of a Flood Risk and Drainage Strategy.
12. Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation.
13. Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.
14. Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.
15. Provision of Electric Vehicle Charging Points.
16. Submission of a Phase 1 Preliminary Risk Assessment Report
17. Submission of a Phase 2 Intrusive Site Investigation Report.
18. Submission of a Remediation Strategy.
19. Implementation of a Remediation Strategy.
20. Submission of a Validation Report.
21. Submission of a Noise report specifying measures to be taken to protect the future occupants of the development from noise from Humac Associates Supplies Ltd, Stoney Lane and Northorpe Working Mens Club, Eastfield Road.
22. Submission of an Ecological Impact Assessment.
23. Development to incorporate measures to minimise the risk of crime and meet the specific needs of the site and development.
24. Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.
25. The proposed development will not commence until the layby which is adjacent to Northorpe Hall is completed.
26. Details of junction new estate road to be approved in writing and development shall not be occupied until these works complete
27. Within first 3 months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.

**NOTE:** This approval does not relate to the layout of the proposed development. Concerns have been raised in relation to this – see visual amenity section of this report.

**NOTE:** Guidance on crime prevention measures – boundary treatments and front boundaries of dwellings, rear gardens and access footpaths.

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

**NOTE:** Guidance relating to the details to be included as part of the Construction Environmental Management Plan.

### **Background Papers:**

Link to the application details:-

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/92378>

Certificate of Ownership – Certificate A signed and dated 04/07/2019.

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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Jan-2020**

**Subject: Planning Application 2019/93659 Erection of 6 bungalows and associated landscaping and parking Land off, Kitson Hill Crescent, Mirfield, WF14 9EW**

**APPLICANT**

S Thompson

**DATE VALID**

07-Nov-2019

**TARGET DATE**

02-Jan-2020

**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Mirfield**

Yes

Ward Members consulted

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1 This application has been brought to the Heavy Woollen Planning Sub-Committee at the request of ward Councillor Martyn Bolt who has stated that *“there are public concerns about access, environmental impact and impact on surrounding properties”*.
- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Bolt’s reasons for referral to committee are valid having regard to the Councillor’s Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of 0.26 ha, and comprises a level grassed area accessed off Kitson Hill Crescent. The site is flanked by dwellings to the north on Kitson Hill Road, To the west Kitson Hill Crescent, to the east Water Royd Lane, and to the south by a terrace of bungalows on Talbot View.
- 2.2. The access comprises a rough tack that extends along the northern and eastern borders of the site, and a substantial, number of the dwellings that back onto the site have formed accesses, and have garages opening onto this track. There is an electric sub-station, immediately to the north of the access off Kitson Hill Crescent.
- 2.3 There are no trees on site, but a number of mature hedgerows along the northern, western and southern boundaries.
- 2.4. The site is unallocated on the Kirklees Local Plan.

### **3.0 PROPOSAL:**

- 3.1 Full planning permission is sought for the erection of six 2no. bedroom bungalows, accessed off Kitson Hill Crescent via the existing rough track that will be made up to an adoptable courtyard, forming access to the dwellings and turning for refuse vehicles.
- 3.2 The bungalows would be in two blocks, one of four units and one of two, located to the southern part of the site facing onto the access point, and backing onto the communal garden area of Talbot View. There are 12 parking spaces provided plus 2 visitor parking spaces. The existing access points onto the track from the surrounding houses would be unaffected.
- 3.3 The buildings would be constructed of red brick and slate grey tile, and there would be vehicle charging points provided, along with bin collection points.
- 3.4 These are proposed as retirement bungalows for the over 55's.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 No relevant history

### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 This application was the subject of a pre application enquiry which included the Ward members. It was requested that any new layout respect and accommodate the existing access arrangements that have surrounding properties have made onto this a track over the years. These are incorporated in to the submitted scheme.
- 5.2 Some additional clarification has been requested on drainage and highway matter

### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (2019):**

- LP3 Location of new development
- LP7 Efficient and effective use of land
- LP11 Housing mix and affordable housing
- LP21 Highways safety and access
- LP22 Parking
- LP24 Design
- LP27 Drainage
- LP32 Landscape
- LP52 Protection and improvement of air quality
- LP53 Contaminated and unstable land

### 6.3 Supplementary Planning Guidance / Documents:

- Supplementary Planning Guidance “Kirklees Highways Design Guide”
- Kirklees Big Build Site Guide- Small Affordable Housing Sites (Sept 2018)
- Mirfield Design Guide (2002)

### 6.4 National Planning Guidance:

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well design spaces
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

6.5. The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Neighbourhood Area at present. Furthermore there is no merging NDP to be considered as a material consideration on assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 This application has been publicised in accordance with the Council's Development Management Charter.

7.2. As a result of the Statutory Publicity, four letters of representation have been received. The points raised are summarised as follows:

- Existing dwellings that back onto the site need to be able to access and park their cars as they have done previously;
- There should be no restriction on access/parking during or after any construction;
- This is “typical money grabbing by the Council and quite simply disgusting”
- The provision of the affordable bungalows is supported and there is a need for such accommodation, however the scheme fails to provide sustainable, accessible or safe development in accordance with the NPPF guidance.
- The scheme will devalue property values,
- Site has previously flooded.

7.3 Cllr Vivien Lees Hamilton - Agrees with Cllr Bolt that this should be determined by Committee.



#### 7.4 Mirfield Town Council (MTC):

Cllr Bolt Proposed MTC send the following holding objection to Kirklees. MTC object to the two developments on the grounds of access/design/sustainability and impact in addition object to Land off Kitson Hill Crescent relating to how many houses are currently using the access track as this is not a highway and to email Chief Executive, Strategic Director and Cllr Scott asking what safeguards are there for the occupants of the dwellings and asking what designs are in place for any loss of mobility or extra care living. Clerk to add a date for a response Tuesday 3<sup>rd</sup> December Cllr Naisbett Seconded Vote: All in favour.

(NB: a response was sent before the end of November)

#### 8.0 **CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

##### 8.1 **Statutory:**

**KC Highways Development Management** – Outstanding matters to be addressed before final agenda

##### 8.2 **Non-statutory:**

**KC Lead Local Flood Authority** - Additional information requested.

**KC Biodiversity officer** – No objections. Biodiversity enhancement and net gain should be sought within the scheme, in accordance with policy LP30 of the Kirklees Local Plan.

**KC Strategic Housing-** Support the proposal, there is a demonstrable shortage of affordable housing on this area, and of this type

**KC Environmental Health** - Recommend conditions

**Police Architectural Liaison Officer** - No objections in principle attention should be paid to the boundary treatments, and lighting of access points and the parking areas,

#### 9.0 **MAIN ISSUES**

- Principle of development
- Visual and residential amenity
- Highways Issues
- Climate Change- drainage
  - biodiversity / landscaping
  - improvements of air quality
- Crime Prevention

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application site is unallocated on the Kirklees Local Plan, and is not a small open space that is protected under Policy LP61 of the KLP “Urban Green Space”. As such, an alternative use for the site is acceptable subject to not prejudicing any other policies in the Local Plan, and satisfying all relevant material planning considerations.
- 10.2 This site has been identified as a small affordable housing site within the Kirklees Big Build scheme (September 2018). The Big Build identifies 8 small affordable housing sites across the whole district, including this site, as well as a neighbouring site off Fox Royd Drive (application 2019/93660, also being considered on this agenda). There is a stipulation on each of these sites that they provide 100% affordable housing.
- 10.3 The site is surrounded by dwellings on all four sides, and located in a sustainable location with community facilities and shops available on Old Bank Road. Also, the site is well connected to the public transport network. As such, there is no objection to the principle of residential development on this site.
- 10.4 Whilst only comprising of six dwellings, the scheme would make a contribution towards delivering the Council’s housing targets, and also provide affordable housing (affordable rental for over 55’s), satisfying the requirements of policy LP11 of the KLP (“Housing Mix and Affordable housing”).

### Visual and Residential Amenity

- 10.5 As stated above, the site is located within a residential area, and the site is overgrown and unkempt. As such, a residential redevelopment of this site is appropriate and in keeping with the surroundings. The dwellings proposed are bungalows, a terrace of four, and a pair of semi-detached dwellings located on a fairly level area, and respect the scale of the neighbouring buildings, especially the row of bungalows on Talbot View.
- 10.6 The existing rough track that would be used for the shared driveway access would be made up to an adoptable standard with a turning head. A landscape scheme is proposed within the site including the landscaping of the private garden areas, front and back, along with the verges adjacent the shared driveway.
- 10.7 The proposed materials are red brick and tiles, which is consistent with the neighbouring properties and considered to be acceptable in this area.
- 10.8 The terrace of four bungalows is sited facing onto the new access road, and the rear gardens of Kitson Hill Road, and back onto the communal garden area of the Talbot View bungalows. The distance between habitable room windows for existing and proposed dwellings is in excess of 21 m both front and back, and is satisfactory. With the proposed property being bungalows there will be no loss of residential amenity either through loss of privacy or over dominance. The end of this terrace i.e. the gable faces the rear of no. 3 and 5 Kitson Hill Crescent, with an intervening boundary fence.

- 10.9 The pair of semi-detached bungalows would face across the access road to the rear gardens of properties on Water Royd Lane. The distance between the habitable room windows of proposed and existing is in excess of 21m, which is considered an appropriate distance by officers and should not result in any adverse effect on residential amenity via loss of privacy or over dominance. The gable of the pair of semi-detached properties would face the rear of the Talbot View bungalows, but this is a gable with an intervening boundary fence.
- 10.10 It is considered that the relationship between the proposed and existing dwellings is acceptable, and there would be no adverse effect on either visual amenity (rather an enhancement of this existing overgrown and unkempt site), or residential amenity in terms of privacy or over dominance.
- 10.11 The bungalows themselves, internally, are designed and laid out to satisfy both nationally described space standards and Lifetime Homes standards, should the future residents require any adaptations / improvements at a later date.
- 10.12 In all, the proposal is considered acceptable from a visual and residential amenity perspective, in accordance with the aims of policy LP24 of the KLP as well as chapter 12 of the NPPF.

#### Highway issues

- 10.13 The application is for six retirement bungalows, involving the improvement of an existing access already use by some surrounding dwellings to access parking and garages in their rear gardens. There is no objection to the principle of the access and the access can accommodate the increased level of traffic.
- 10.14 The parking provision is considered satisfactorily including visitor parking. The layout is considered generally acceptable, but some amended details and clarification regarding the access and its relationship to the existing sub-station have been requested and will be available at the Committee.
- 10.15 If permission is granted, conditions are recommended including the provision and safeguarding of parking areas, maintenance of visibility splays and a construction management plan

#### Climate Change, including Drainage, Biodiversity / landscaping and improvement of air quality

##### *Drainage*

- 10.16 The site is located within Flood Zone 1 i.e. the area least likely to flood. The applicants have submitted a drainage strategy for the site which is considered to be broadly acceptable. Currently the site is not drained at all, and it is acceptable that the introduction of new build, and roads will necessitate an on-site surface water attenuation system. SUD's drainage is unlikely to be sufficient in its own in this area.
- 10.17 Clarification on the drainage strategy have been requested and will be resolved before the Committee date and reported in the update. It is considered that the drainage issues on this site can be satisfactorily addressed via the imposition of conditions.

### *Bio-diversity/landscaping*

- 10.18 The site is currently a rough grass area of little if any ecological value. There are some hedgerows on the periphery of the site (unaffected by the development) and some grass verge. The verge area is to be retained and additional tree planting provided within the street scene, as well as within the rear gardens of a number of the new bungalows. This represents an improvement in the level of tree cover on the site and together with a specific condition requiring the introduction, where feasible, of additional bird and bat roost opportunities, the scheme would deliver a biodiversity enhancement in accordance with the requirements of policy LP30 of the Kirklees Local Plan and chapter 15 of the NPPF.

### *Improving air quality*

- 10.19 The proposal is classed as a minor proposal in the West Yorkshire Low Emissions Strategy, requiring the provision vehicle charging points. The proposal provides charging points for each dwelling.

### *Climate Change*

- 10.20 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

### *Crime Prevention*

- 10.21 The site is currently an open, unlit back land area with no natural supervision. The layout affords natural supervision for the whole of the site, including the new parking areas. The access way will be made up to adoptable standards which should include street lighting which will benefit site security.
- 10.22 There are no shared access to the rear of dwellings or communal parking courts, which is welcome the boundary fencing between existing and proposed properties should be at least 1.8 m high and of robust construction. No objections are raised to this scheme.

## **11.0 CONCLUSION**

- 11.1 The proposal represents a sustainable development delivering much needed housing within a built up area, as well as partially filling a gap in the shortfall of affordable housing in the area, especially affordable rental for over 55's.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development commence within 3 years
2. Build in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Drainage details to be implemented
6. Landscape scheme to be submitted
7. Electric Charging Vehicle points
8. Decontamination and remediation
9. Highways conditions
  - surface parking
  - maintain visibility splay
  - construction management plan
  - bin store location/ collection points
10. Remove permitted development rights for any extensions
11. Improved bird and bat roost opportunities.

### **Background Papers:**

Application and history files -

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93659>

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24/10/2019

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/93660 Erection of 4 bungalows Land off, Fox Royd Drive, Mirfield, WF14 9ER

#### APPLICANT

Thompson

#### DATE VALID

13-Nov-2019

#### TARGET DATE

08-Jan-2020

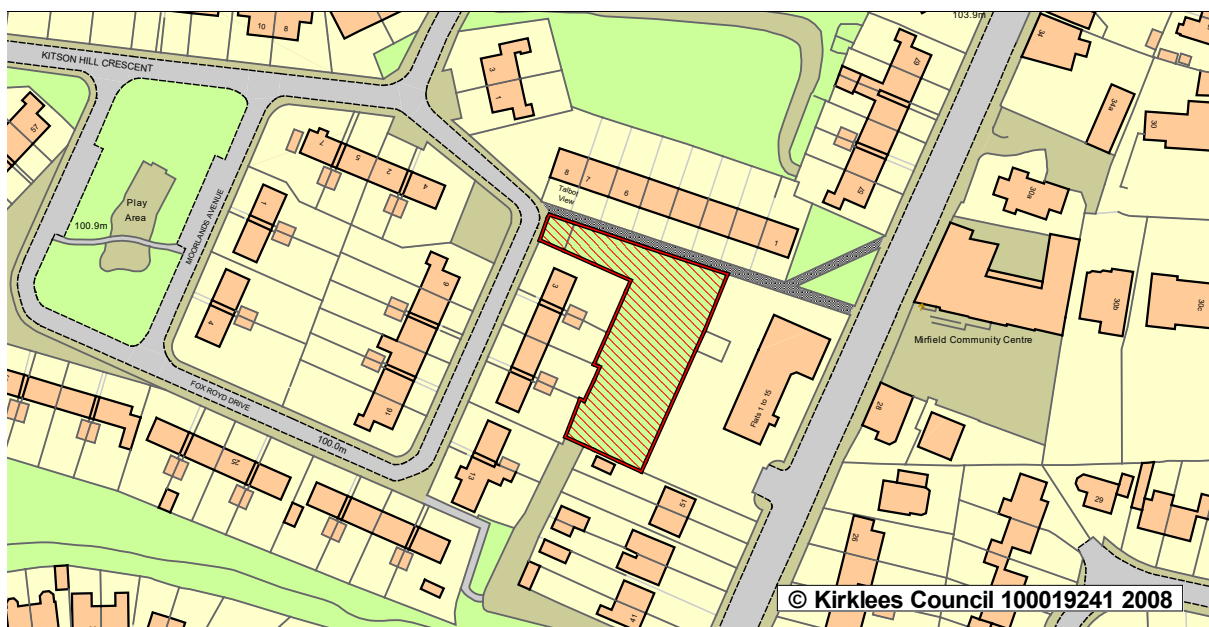
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Mirfield**

Yes

Ward Members consulted

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee at the request of ward Councillor Martyn Bolt. Cllr Bolt objects to the development on the grounds of access/design/sustainability.
- 1.2 The Chair of Sub-Committee has confirmed that Cllr Bolt's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of 0.12 ha, accessed off Foxroyd Drive. The site is overgrown, and there are some areas of hardstanding. The access point is a rough track, and is currently blocked by a barrier
- 2.2 The site is flanked by dwellings on all sides i.e. houses to the west on Fox Royd Drive, to the east a three storey block of apartments on Water Royd Lane, and to the north by a terrace of bungalows on Talbot View. Talbot View is in an elevated position relative to the application site which also slopes gently from north to south.
- 2.3 The site is unallocated on the Kirklees Local Plan.

**3.0 PROPOSAL:**

- 3.1 Full permission is sought for the erection of four 1no. bedroom bungalows, accessed off Fox Royd Drive via a shared driveway. The bungalows would be in a terrace of four located in between and parallel to the existing dwellings on Fox Royd Drive, and the apartment block on Water Royd Lane.



- 3.2 The block is situated at right angles to the top of the shared drive, which also provides for a communal parking area with four parking spaces and one visitor space. Pedestrian access is to east of the site along the boundary with the apartment block on West Royd Lane.
- 3.3 The proposed bungalows are to be constructed of red brick and slate grey roofing tiles, and would be stepped down from north to south to reflect the sites topography.
- 3.4 There is a communal bin storage area, and the houses would be provided with electric charging points.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 No relevant planning history.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 This application was the subject of a pre application enquiry which included the Ward members
- 5.2 Some additional clarification has been requested on drainage and highway matter

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (2019):**

- LP3 Location of new development
- LP7 Efficient and effective use of land
- LP11 Housing mix and affordable housing
- LP21 Highways and access
- LP22 Parking
- LP24 Design
- LP27 Drainage
- LP32 Landscape
- LP52 protection and improvement of air quality
- LP53 Contaminated land unstable land

### 6.3 National Planning Policy Framework

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Delivering a sufficient supply of home
- Chapter 8 - Promoting a healthy and safe community
- Chapter 12 - Achieving well designed spaces
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

### 6.4 Supplementary Planning Guidance

- Highway Design Guide Supplementary Planning Document
- Kirklees 'The Big Build Site Guide' - Small Affordable Housing Sites
- Mirfield Design Guide (2002)

6.5. The site is within Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Neighbourhood Area at present. Furthermore there is no merging NDP to be considered as a material consideration on assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 This application has been publicised in accordance with the Kirklees Development Management Charter. As a result, there have been two letters of objection received. A summary of the main points raised are:

- the scheme would be intrusive on neighbours privacy;
- the access isn't sufficient and congestion will ensue;
- one writer states he was informed that no development could ever take place on this site.

7.2 Cllr Vivien Lees-Hamilton agrees with Cllr Bolt that the application should be dealt with by Committee.

### 7.3 Mirfield Town Council

Cllr Bolt Proposed MTC send the following holding objection to Kirklees. MTC object to the 2 developments on the grounds of access/design/sustainability & impact in addition object to Land off Kitson Hill Crescent relating to how many houses are currently using the access track as this is not a highway and to email Chief Executive, Strategic Director and Cllr Scott asking what safeguards are there for the occupants of the dwellings and asking what designs are in place for any loss of mobility or extra care living. Clerk to add a date for a response Tuesday 3<sup>rd</sup> December Cllr Naisbett  
Seconded Vote: All in favour.

(NB. A response has been sent to the MTC)

## 8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### 8.1 Statutory:

**The Coal Authority** – Awaiting final comments

**KC Highways Development Management** – Awaiting final comments

### 8.2 Non-statutory:

**KC Lead Local Flood Authority** - Requested additional details

**KC Environmental Health**- Recommend conditions

**KC Strategic Housing** - Support the scheme, there is a demonstrable shortage of affordable housing in this area, and of this type of affordable housing.

**Police Architectural Liaison Officer** - No objections in principle attention should be paid to the boundary treatments, and lighting of access points and the parking areas

## 9.0 MAIN ISSUES

- Principle of development
- Visual and residential amenity
- Highways Issues
- Climate Change - drainage
  - biodiversity / landscaping
  - improvement of air quality
- Crime Prevention

## 10.0 APPRAISAL

### Principle of development

10.1 The application site is unallocated on the Kirklees Local Plan, and is not a small open space that is protected under policy LP61 of the Kirklees Local Plan “Urban Green Space”. As such, an alternative use for the site is acceptable subject to not prejudicing any other policies in the Local Plan, and satisfying all relevant material planning considerations.

10.2 This site has been identified as a small affordable housing site within the Kirklees ‘Big Build’ scheme September 2018. The Big Build identifies 8 small affordable housing sites across the whole district including this site, as well as a neighbouring site off Kitson Hill Crescent (application 2019/93659 which is also being considered on this agenda). There is a stipulation on each of these sites that they provide 100% affordable housing.

- 10.3 The site is surrounded by dwellings on all four sides, and located in a sustainable location with community facilities and shops available on Old Bank Road. Also the site is well connected to the public transport network. As such there is no objection to the principle of residential development on this site.
- 10.4 Whilst only four dwellings, the scheme would make a contribution towards delivering the Council's housing targets, and also providing affordable housing (affordable rental for over 55's), satisfying the requirements of policy LP11 of the KLP (Housing Mix and Affordable housing)

#### Visual and Residential Amenity

- 10.5 As stated above the site is located within a residential area, and the site is overgrown and unkempt. As such a residential redevelopment of this site is appropriate and in keeping with the surroundings. The dwellings proposed would form a row of four terraced bungalows.
- 10.6 The existing rough track that would be use for the shared driveway access would be made up to an adoptable standard and the existing barrier removed. A landscape scheme is proposed within the site including the landscaping of the private garden areas, front and back and the verges adjacent the shared driveway.
- 10.7 The proposed materials are red brick and tile, which is consistent with the neighbouring properties and considered to be acceptable in this area.
- 10.8 The siting of the bungalows ring parallel to the dwellings on Fox Royd Drive, and the apartment block on Water Royd Lane, with the habitable windows front and back facing towards the boundaries with Fox Royd Drive and Water Royd. These windows are only at ground floor level and the back to back distances between Fox Royd Drive and the site are in excess of 21 metres. Likewise the front of the proposed bungalows faces towards the rear parking area of the apartment block on Water Royd Lane, and are also in excess of 21m, securing adequate privacy for both existing and proposed dwellings.
- 10.9 The relationship between the proposed bungalows and the terrace of bungalows on Terrace View is only a single facing gable and Talbot View is in an elevated position relative to the site.
- 10.10 In all, it is considered that the relationship between the proposed and existing dwellings is acceptable, and there would be no significant adverse impact on either visual amenity (rather an enhancement of this existing overgrown and unkempt site), or residential amenity in terms of privacy or over dominance.
- 10.11 The bungalows internally are designed and laid out to satisfy both Nationally describe space standards and Lifetime Homes standards, should the future residents require and adaptations / improvements at a later date.
- 10.12 To summarise, the proposal is considered acceptable from a visual and residential amenity perspective and would accord with the aims of policy LP24 of the KLP as well as chapter 12 of the NPPF.

### Highway issues

- 10.13 The application is for 6 no retirement bungalows, involving the improvement of an existing access already use by some surrounding dwellings to access parking and garages in their rear gardens. There is no objection to the principle of the access and the access can accommodate the increased levels of traffic.
- 10.14 The parking provision is considered satisfactorily including visitor parking. The layout is considered generally acceptable, but some amended details and clarification regarding the access and its relationship to the existing sub-station have been requested and will be available at the Committee.
- 10.15 If permission is granted conditions are recommended including the provision and safeguarding of parking areas, maintenance of visibility splays and a construction management plan

### Climate Change, including drainage, bio-diversity/landscaping and improvement of air quality

#### *Drainage*

- 10.16 The site is located within Flood Zone 1 i.e. the area least likely to flood. The applicants have submitted a drainage strategy for the site which is considered to be broadly acceptable. Currently the site is not drained at all, and it is acceptable that the introduction of new build, and roads will necessitate an on-site surface water attenuation system. SUD's drainage is unlikely to be sufficient in its own in this area.
- 10.17 Clarification on the drainage strategy have been requested and will be resolved before the Committee date. It is consider that the drainage issues on this site can be satisfactorily daily with via the imposition of conditions.

#### *Biodiversity / Landscaping*

- 10.18 The site is currently a rough grass area of little if any ecological value. There are some hedgerows on the periphery of the site (unaffected by the development) and some grass verge. The verge area are to be retained and additional tree planting presented within the street scene, as well as within the rear gardens of a number of the new bungalows. This represents an improvement in the level of tree cover on the site and together with a specific condition requiring the introduction, where feasible, of additional bird and bat roost opportunities, the scheme would deliver a biodiversity enhancement in accordance with the requirements of policy LP30 of the Kirklees Local Plan and chapter 15 of the NPPF.

#### *Improving air quality*

- 10.19 The proposal is classed as a minor proposal in the West Yorkshire Low Emissions Strategy, requiring the provision vehicle charging points. The proposal provides charging points for each dwelling.

## *Climate Change*

10.20 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

## Crime Prevention

- 10.21 The site is currently an open, unlit back land area with no natural supervision. The layout affords natural supervision for the whole of the site, including the new parking areas. The access way will be made up to adoptable standards which should include street lighting which will benefit site security.
- 10.22 There are no shared access to the rear of dwellings or communal parking courts, which is welcome the boundary fencing between existing and proposed properties should be at least 1.8 m high and of robust construction. No objections are raised to this scheme.

## **11.0 CONCLUSION**

- 11.1 The proposal represents a sustainable development delivering much needed housing within a built up area, as well as partially filling a gap in the shortfall of affordable housing in the area, especially affordable rental for over 55's.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Development commence within 3 years
2. Build in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Drainage details to be implemented
6. Landscape scheme to be submitted
7. Electric Charging Vehicle points
8. Decontamination and remediation
9. Highways conditions
  - surface parking
  - maintain visibility splay
  - construction management plan
  - bin storage/collection points.
10. Remove permitted development rights for any extensions
11. Improved bird and bat roost opportunities.

**Background Papers:**

Application and history files -

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93660>

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24/10/2019

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/93266 Change of use from carpet showroom to nursery/out of school club 21-23a, Leeds Road, Liversedge, WF15 6JB

#### APPLICANT

L Brown

#### DATE VALID

07-Oct-2019

#### TARGET DATE

02-Dec-2019

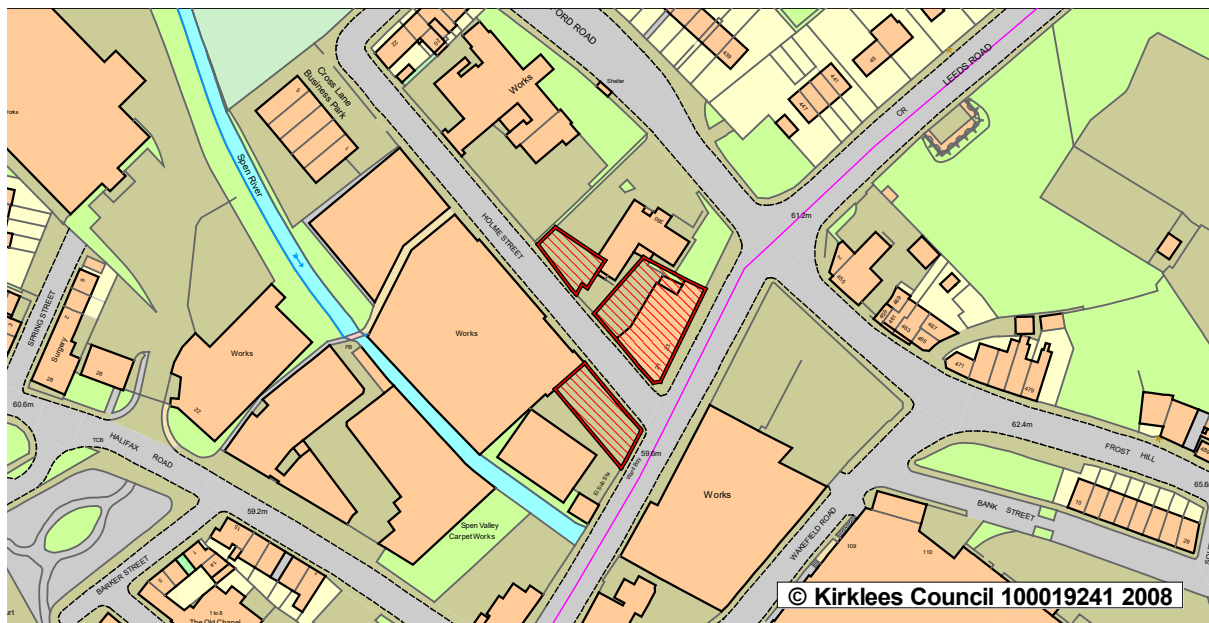
#### EXTENSION EXPIRY DATE

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

#### LOCATION PLAN



Map not to scale – for identification purposes only

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**Electoral Wards Affected: Liversedge and Gomersal**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and issue the decision.**

**1.0 INTRODUCTION:**

1.1 The application for the change of use of carpet showroom to nursery and out of school club is brought to the Heavy Woollen Sub-Committee at the request of ward member Councillor David Hall.

1.2 Councillor David Hall's comments are as follows:

*"I would ask that this proceeds to the Planning Sub-committee. My only concerns are about parking and highways, and whether the provision is suitable for a nursery on a busy main road. I do think that it is a vital consideration, and that members would certainly benefit from a site visit to look themselves".*

1.3 The Chair of the Sub-Committee has confirmed that Councillor Hall's reasons for referral to committee are valid having regard to the Councillor's Protocol for Planning Committees.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site, which is located on the junction of Leeds Road and Holme Street, comprises an existing building which has a former use as a carpet showroom in Liversedge. The site has an area of car parking to the side, and occupies a corner plot fronting on to both Leeds Road and Holme Street. The building is two stories and constructed of stone and render.

2.2 Surrounding the site is varied, with bed manufacturers and a window manufacturer surrounding the site. Further to the north of the site, there are residential dwellings.

2.3 The site, including the building, play areas and car parking areas are within Flood Zone 3 and partly in Flood Zone 3ai.

2.4 The site is unallocated on the Kirklees Local Plan.

### **3.0 PROPOSAL:**

3.1 Planning permission is sought for the change of use of the building from a former carpet showroom to a nursery and out of school club.

3.2 The change of use would relate solely to the ground floor of the building, with the first floor being used for residential flats as existing.

3.3 The access to the site would be from the existing doorway opening on Holme Street and would include areas labelled as 'out of school club' and two 'nursery areas' as well as an office and toilets. The internal arrangements can be seen on plan 19/16/A.

3.4 The proposed parking areas have been indicated on the submitted block plan, with an outside play area also indicated on Plan 19/16/B adjacent to the proposed nursery building. The parking areas include areas opposite the site.

3.5 The application form states that the nursery would provide full time employment for 5 people.

3.6 The nursery would open between 6am – 8pm on Monday to Friday and between 9am - 5pm on Saturday and Sunday.

### **4.0 RELEVANT PLANNING HISTORY:**

4.1 2016/93012 – Prior approval for change of use from shop to 3 dwellings and associated operations DETAILS APPROVED

4.2 2019/90537 – Change of use from carpet showroom to nursery/out of school club WITHDRAWN

### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

5.1 The case officer was in discussions with the agent during the course of previous application 2019/90537 to advice of concerns relating to Highway Safety, Flood Risk and noise. The issues have been resolved through the submission of further information (and subject to the imposition of conditions). No amendments were sought during the course of the current planning application.

### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

6.2 The site is unallocated on the Kirklees Local Plan.

### 6.3 Kirklees Local Plan (KLP):

- LP1 – Presumption in favour of sustainable development
- LP2– Place shaping
- LP21– Highway Safety
- LP22– Parking Provision
- LP24– Design
- LP27– Flood Risk
- LP28– Drainage
- LP30 – Biodiversity and geodiversity
- LP38 – Minerals safeguarding
- LP52– Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

### 6.4 National Planning Policy Framework:

- Chapter 6** - Building a strong, competitive economy
- Chapter 9** – Promoting sustainable transport
- Chapter 12** – Achieving well designed places
- Chapter 14** – Meeting the need for climate change, coastal change and flooding
- Chapter 15** – Conserving and enhancing the natural environment
- Chapter 17** – Facilitating the sustainable use of minerals

## 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 One representation was received as a result of the original publicity period.

The comments raised are summarised as follows:

- No sound reduction to flat overlooking the playground
- Parking spaces will not be accessible all the time until children are moved to allow cars to access the spaces during the day
- Drop offs and pickups are not adjacent to the entrance
- No disabled parking shown – this was insisted upon at Little Rainbows
- Parking not adjacent to entrance of the nursery and no safe walk ways
- Car park used by vans will be pushed onto road causing further congestion, deliveries would be taken onto road and across pavements
- Skips, rubbish and container units would have to be located elsewhere
- No parking available for workers, deliveries or visitors to existing factory and showroom

7.2 Officer comments in response to the representations will be made in Section 10.33 of this report.

7.3 Officers' response to Councillor David Hall's comments will also be made in the Section 10.33 of this report.

## 8.0 **CONSULTATION RESPONSES:**

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

## 8.1 Statutory:

**K.C. Highways Development Management** – No objection subject to condition requesting a parking management scheme prior to the building being brought into use.

**Local Lead Flood Authority** – No objection

**The Environment Agency (EA)** – no objection.

## 8.2 Non-statutory:

**K.C Environmental Health** – No objection subject to condition requiring development to be brought into use in submitted noise report.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”. Residential amenity, highway safety and flood risk will also be assessed in this report below.

10.2 As well as the above, Chapter 6 of the NPPF sets out how planning decisions should assist businesses to expand. This is considered to be relevant in this instance as the Design and Access Statement submitted with the application states that the nursery business will provide employment opportunities within the community and provide a much needed facility for childcare within the area. Whilst on a small scale, with full time employment to be generated for 5 employees, the proposed development is still considered to satisfy this aim of the NPPF.

### Visual amenity

10.3 Chapter 12 of the NPPF states that “the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” Policy LP24 of the Kirklees Local Plan reiterates this and aspires for all developments to promote good design.

- 10.4 Officers note that the proposed change of use would not change the appearance or scale of the existing building and would therefore have a neutral impact on the character of the building itself, the area in which it is located and the streetscene. Any signage, which has the potential to impact on the character of the area/streetscene, is likely to require advertisement consent and therefore is subject to a separate assessment by Officers.
- 10.5 The character of the area is mainly industrial, with residential properties further to the north of the site. Notwithstanding this, the building will remain as existing within its context, meaning that Officers consider that the proposed development will have a neutral impact on visual amenity and will comply with the relevant design policies mentioned above.
- 10.6 The area of land adjacent to the nursery is currently hardstanding. This will remain the case. The submitted block plan shows that gates will be required close to the entrance to this play area. A condition has been recommended to require the details of the proposed gate, including its height, design and materials. It should however be noted that there is a variety of boundary treatments in the area and therefore the principle of a gate in this location can be accepted.
- 10.7 Taking into account the above and the very limited external changes that would be required to facilitate the proposed change of use, Officers consider that the proposed development would be acceptable from a visual amenity perspective, complying with Policy LP24 of the KLP and Chapter 12 of the National Planning Policy Framework.

#### Residential Amenity

- 10.8 The impact on residential amenity is considered by officers to be acceptable. Chapter 12 of the National Planning Policy Framework states that planning decisions create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. This is replicated in Kirklees Policy LP24 of the KLP.
- 10.9 As well as this, Chapter 15 of the National Planning Policy Framework states that planning decisions should ensure that new development is appropriate for its location, taking into account the likely effects of pollution on health and living conditions. Paragraph 180a of the NPPF states that planning decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid giving rise to significant adverse impacts on health and quality of life. Policy LP52 of the Kirklees Local Plan reiterates this, stating that developments should not reduce the quality of life and wellbeing of people to an unacceptable level.
- 10.10 It is acknowledged that the nursery would be located below residential flats which are located on the first floor of the building (approved under 2016/93012) and therefore consideration has to be given to the impact of the proposed use. This is a noise generating use and therefore the case officer consulted K.C Environmental Health on the application. Their response is discussed below.

- 10.11 The applicant has provided a noise report which was requested during the course of previous application reference 2019/90537 by K.C Environmental Health. The purpose of this report was to assess the impact of the noise generated by the Children's Nursery and After School Club on the residential flats above.
- 10.12 The report concludes that the potential site activity noise would fall below the level at which noise is likely to be considered a justifiable nuisance to the occupiers of nearby occupiers. K.C Environmental Health have confirmed that the noise report is acceptable and therefore Officers have concluded that there would not be a harmful impact on the occupiers of the nearby properties, subject to the development being brought into use in accordance with the submitted details of 'Acoustic Report J2883'. A condition has been recommended to secure this requirement.
- 10.13 Officers are satisfied that the physical structure of the proposed building would not cause any detrimental harm to the amenity of the occupiers of surrounding properties and that the proposal complies with Policy LP24 of the KLP which states "proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings". The scale and form of the building is existing and there would be no overbearing, overlooking or loss of privacy to nearby occupiers.
- 10.14 A condition has been recommended to restrict the hours of use of the nursery and after school club to ensure that the use is not operating at anti-social hours which could impact on the amenity of neighbouring occupiers at the flats on the upper floor. The application form states that the use will operate 6am-8pm Monday to Friday and 9am-5pm. These hours are considered to be acceptable by officers and considered to further safeguard the amenity of neighbouring properties.
- 10.15 Overall, Officers consider that the proposal is, on balance, acceptable from a residential amenity perspective, compliant with Policies LP24 and LP52 of the KLP and guidance with the National Planning Policy Framework, in particular, Paragraph 127 (f) of Chapter 12 and Paragraph 170 (e) of Chapter 15.

#### Highway issues

- 10.16 Chapter 9 of the NPPF states that when assessing sites for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, safe and suitable access to the site can be achieved for all users and any significant impacts from the development on the transport network, or on highway safety can be cost effectively be mitigated to an acceptable degree. Policy LP21 of the Kirklees Local Plan reiterates this, stating that new development will normally be permitted where safe and suitable access to the site can be achieved and where the residual cumulative impacts of development are not severe.
- 10.17 Highways Development Management (HDM) initially commented on the application and raised concerns in terms of a lack of trip generation details and the impact that the proposed use would have on the local highway network. There was also a lack of clarity over how the parking/drop off spaces for the development would operate, given that the parking spaces that are proposed are also used for other uses surrounding the site (including flats above the building and a bed factory on the opposite side of Holme Street).

- 10.18 This clarity is required to ensure that there would not be surplus vehicles on the highway as a result of the proposed development displacing the parking from the other uses. A condition has been recommended for a parking management plan to be submitted because officers consider this necessary for highway safety reasons.
- 10.19 Justification for 25 parking spaces should be included within the subsequent submission of information to ensure the parking provision requirements for the proposed development are fulfilled, as well as the residential apartments above and the parking requirements of the two businesses within the red line boundaries. Officers consider that the supplementary evidence should demonstrate how the pickup/collection of children will be staggered, and that the trips to the site will not significantly intensify the use of the site above its lawful use as a carpet showroom.
- 10.20 It has been confirmed by HDM that the principle of development is acceptable but that, as set above, a parking management plan is required to manage parking within the submitted red line boundaries in the interest of highway safety.
- 10.21 It should be noted that the impact on the local highway network is not a significant concern given the scale and the nature of the proposed development.
- 10.22 Considering the above, Officers state that the impact on highway safety is acceptable, on balance, subject to a condition requesting a parking management plan to be submitted to and approved in writing by the Local Planning Authority. This information would be required prior to the building being brought into use as a nursery/out of school club should planning permission be granted.
- 10.23 In all, the proposal is considered, on balance, acceptable from a highway safety and efficiency perspective with the inclusion of the suggested conditions, complying with Policies LP21 and LP22 of the KLP and Chapter 9 of the NPPF.

#### Drainage issues

- 10.24 The application site is in Flood Zones 2, 3, 3a and Flood Zone 3ai and therefore consideration has to be given to the National Planning Policy Framework and Local Plan Policy LP27.
- 10.25 The NPPF states that “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site specific flood risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
  - b) the development is appropriately flood resistant and resilient;



- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan”

- 10.26 This is reiterated in the Kirklees Local Plan Policy LP27 ‘Flood Risk’ and a Flood Risk Assessment was submitted.
- 10.27 The Environment Agency have reviewed the information and stated that there is no objection on the grounds of fluvial flood risk and that the Flood Risk Assessment provides adequate mitigation measures to satisfy the National Planning Policy Framework.
- 10.28 However, they note that the Flood Risk Assessment has failed to demonstrate that the change of use from a less to more vulnerable use is acceptable. Officers have assessed the proposed development and supporting information, and consider its impact to be, on balance, acceptable. The Lead Local Flood Authority have subsequently not objected to the planning application.
- 10.29 Officers consider that the proposed use is acceptable and in accordance with Local Plan Policy due to the fact that the area of the site that will be occupied will be in Flood Zone 3a. The area of the site that is in Flood Zone 3ai (the play area) will not be altered and will not affect the functional flood plain.
- 10.30 A condition has been recommended to ensure that the development is carried out in accordance with ‘Flood Risk Assessment E19/7457/FRA001 B’, as well as two conditions relating to mitigation measures.
- 10.31 Footnotes are also advised to be included to the decision notice, should planning permission be granted, to provide advice relating to Flood Evacuation Plan, Services, Flood Resilience and signing up to Flood Warnings.
- 10.32 As such, subject to the inclusion of the above suggested conditions, the proposal complies with Policy LP28 of the KLP and Chapter 14 of the NPPF.

#### Minerals Safeguarding

- 10.33 The site is over 1000sq m and is within a wider mineral safeguarding area and therefore Local Plan Policy LP38 applies. This policy is important to ensure that known mineral reserves are protected from permanent development which may sterilise such resources through encouraging the extraction of mineral, if feasible, prior to non-mineral extraction taking place.
- 10.34 This policy states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. In this case, the application for planning permission relates to change of use of a building rather than surface development, and therefore justification from the applicant/ agent is not required. The proposal is considered to be acceptable in this regard.

## Representations

10.35 One representation was made as a result of the original planning application, raising the points below which are addressed by officers as follows:

- No sound reduction to flat overlooking the playground  
**Officer comment:** *A noise report was provided with the application and K.C Environmental Health have confirmed that this is satisfactory.*
- Parking spaces will not be accessible all the time until children are moved to allow cars to access the spaces during the day
- Drop offs and pickups are not adjacent to the entrance
- No disabled parking shown – this was insisted upon at Little Rainbows
- Parking not adjacent to entrance of the nursery and no safe walk ways
- Car park used by vans will be pushed onto road causing further congestion, deliveries would be taken onto road and across pavements
- Skips, rubbish and container units would have to be located elsewhere
- No parking available for workers, deliveries or visitors to existing factory and showroom

**Officer comment:** *In response to all of the above points, see the highway safety section of this report which will confirm the requirement for the applicant to justify the parking demand and provision at the site in the form of a car parking management scheme. This would be required to be submitted prior to the commencement of development.*

10.36 Councillor David Hall has stated the following:

“I would ask that this proceeds to the Planning Sub-committee. My only concerns are about parking and highways, and whether the provision is suitable for a nursery on a busy main road. I do think that it is a vital consideration, and that members would certainly benefit from a site visit to look themselves”.

**Officer comment:** *this is noted. See highway safety section of this report.*

## Other Matters

### *Pre-commencement conditions*

10.37 The agent has confirmed their agreement to the recommended pre-commencement condition. This is in line with the Town and Country Planning (Pre-Commencement Conditions) Regulations 2018.

### *Protected species*

10.38 The site is in the bat alert layer and identified on the Kirklees Local Plan GIS mapping layer and therefore consideration has been given to Ecology. In this case, the application is for the change of use of the building and therefore the proposed development would not require any demolition or other alterations that may affect bats or bat roosts. For this reason, Officers consider that a footnote to advise the applicant is considered satisfactory to comply with the aims of Policy LP30 of the KLP and Chapter 15 of the NPPF.

### *Coal Mining Legacy*

- 10.39 The site is located within a 'low risk' coal mining area and the proposed development is for the change of use of the building, with limited external alterations. Officers note that a Coal Mining Risk Assessment is not required with the application and consultation with the Coal Authority has not been undertaken. Instead, a footnote has been added to the decision notice to advise the applicant should coal mining works be found during construction. The proposal complies with Policy LP53 of the KLP and Chapter 15 of the NPPF.

### *Climate Change*

- 10.40 Chapter 12 of the KLP relates to climate change and states that "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

## **11.0 CONCLUSION**

- 11.1 To conclude, it is considered that, with the inclusion of the suggested conditions set out in section 12.0 below, the proposal would have, on balance, an acceptable impact with regards to visual amenity, residential amenity, highway safety and flood risk as discussed in the above report.
- 11.2 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.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Standard timeframe for implementation (3 years).
2. Development in accordance with plans.
3. Vehicle parking areas to be of permeable surfacing.
4. Electric charging points.
5. Hours of operation – as stated within residential amenity section (6am-8pm Mon to Fri, 9am-5pm Sat and Sun).
6. In accordance with the submitted Flood Risk Assessment.
7. Development to be carried out in accordance with the Flood Risk Assessment (prepared by Innervision Design Ltd, updated December 2018) submitted under 2018/93195.
8. Development to be carried out in accordance with the noise report (Acoustic Report).
9. Pre-commencement condition relating to Car Parking Management Plan.
10. Details of height and materials of the proposed gate to be submitted.

**Footnotes:** Flood Evacuation Plan, Services, Flood Resilience and Proofing and Flood Warnings.

**Background Papers:**

Application documents can be viewed using the link below:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019/93266>

Certificate of ownership – Certificate B signed and dated: 4<sup>th</sup> October 2019

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## Report of the Head of Planning and Development

### HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

**Subject: Planning Application 2019/92515 Erection of first floor and two storey rear extensions Mohaddis E Azam Education Centre and Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU**

#### APPLICANT

S Valli

#### DATE VALID

26-Jul-2019

#### TARGET DATE

20-Sep-2019

#### EXTENSION EXPIRY DATE

10-Jan-2020

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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

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**Electoral Wards Affected: Dewsbury West**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**REFUSE**

**1. The proposed extensions and alterations, by reason of their design, bulk and appearance, would not respect or enhance the character of the host building or wider area. To approve the application, which would not promote good design, would be contrary to Policy LP24 of the Kirklees Local Plan and government guidance contained within Chapter 12 of the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

- 1.1 The application is brought to the Heavy Woollen Planning Sub-Committee due to the significant number of representations received.
- 1.2 The Chair of the Sub-Committee has confirmed that the reason for referring the application to committee is valid having regard to the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises a Mosque and Education Centre on the western side of Ravenshouse Road, Dewsbury Moor, Dewsbury. The site is located within a predominantly residential area, with dwellings to the east and west, a retail unit to the north and the Spen Valley Country Park further to the west. The site is separated from another commercial unit to the south by a partly surfaced parking area.

**3.0 PROPOSAL:**

- 3.1 Permission is sought for the erection of first floor and two storey rear extensions which would result in the creation of a two storey building. This would provide additional accommodation for storage at the first floor level, in addition to office, computer room and conference room. The proposals would also involve external alterations to the fenestration (window openings) and the addition of a dome on the roof.
- 3.2 The proposed extensions would be faced in stone to all elevations.

- 3.3 The current proposal follows two previous approvals for extensions to the building, the most recent of which is still extant.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 18/92581 (land adjacent No.225c) – Change of use of land to car park – pending consideration

17/93161 – Erection of extensions and alterations – approved (not implemented)

15/92957 – Erection of extensions and alterations – approved (not implemented)

08/91573 – Erection of extensions and alterations to Muslim education centre - refused

06/91570 – Change of Use from Off Licence and General Store to Mosque/Madrassa with alterations to form 6 no. parking spaces - approved

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 Officers requested amendments to the proposals as originally submitted, in relation to the fenestration details and design of the dome. Whilst amended plans were received, these differed substantially from both those originally submitted and the amendments requested, and Officers advised the agent that these were not considered to be acceptable. The agent confirmed that they wished a decision to be made on these amended plans. These amended plans have been re-advertised and any further comments will be reported in the update.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

The application site is unallocated on the Kirklees Local Plan.

##### Kirklees Local Plan (2019):

- 6.2 **LP 1** – Achieving sustainable development  
**LP 21** – Highway Safety and Access  
**LP 22** - Parking  
**LP 24** – Design  
**LP 48** – Community Facilities and services

##### National Planning Policy Framework:

**Chapter 8** – Promoting Healthy and Safe Communities

**Chapter 12** – Achieving well designed places

**Chapter 15** – Conserving and enhancing the natural environment

## 7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 As a result of site publicity, five letters and a petition of 24 signatures have been received in support of the application and 36 representations have been received in objection.

The comments received in support are summarised as follows:

- The organisation has created a positive and confident atmosphere within the Dewsbury Moor area
- The organisation has ensured positive education has reached local households
- Do not consider parking to be an issue
- The extension will help the mosque to put on better events for local people and other attendees
- Adjacent land was recently bought and is used for parking

The objections received are summarised as follows:

### Residential Amenity

- The proposed extensions will result in a loss of sunlight in the mornings
- The privacy of residents on Ravenshouse Road will be reduced
- Extensions will restrict light and views
- Use of the mosque results in noise disturbance to neighbouring residents

### Highway Safety

- The Mosque is causing severe disruption with vehicles blocking residents' driveways and residents being delayed on their own journeys.
- Highway safety officer has taken action against the mosque and the police have been seen moving cars
- Over the last 10 years, whilst the Mosque has been operating, the Committee has done nothing to solve problems such as traffic, and made no effort to do anything about the safety of children
- Even if the Mosque creates a car park, it will not be big enough. The land to the side was acquired for parking but instead they have erected building upon it
- Parking issues caused by the mosque are affecting adjacent local businesses
- The Mosque have indicated that there are less users than the actual figure

### Other Matters

- This service is not required nor requested by the locality. There are at least 3 other Mosques within walking distance of this site
- There is no need for a two storey extension
- Residents are being pressurised into signing a petition in support of the proposal
- Concern over impact of the building process, with large vehicles blocking the road, the noise level it will create, impact on parking for residents, the general mess it will generate and the health and safety risks to residents
- The shop does not belong to the Mosque



## 8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

### 8.1 Statutory:

**The Coal Authority:** No objections subject to the imposition of conditions

### 8.2 Non-statutory:

**KC Crime Prevention Officer:** Made recommendations with respect to security measures to be incorporated within the design of the development

**KC Environmental Services** (previous application): Recommended conditions relating to unexpected contamination, provision of electric vehicle charging points and lighting, in addition to footnotes relating to hours of construction and Noise levels from the Azan (new consultation response to be reported in update).

**KC Highways DM:** (previous application): Requested off-street parking provision to serve the development in line with the parking standards at that time, and provision of Transport Assessment (new consultation response to be reported in update).

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Representations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is without notation on the Kirklees Local Plan (KLP). Policy LP1 of the KLP states that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 10.2 In terms of extending and making alterations to a building, Policy LP24 of the KLP is relevant, in conjunction with Chapter 12 of the NPPF, regarding design. In this case, the principle of extending the building has been established previously by the granting of the earlier permissions (the most recent of which can still be implemented).

- 10.3 The application relates to the extension of a community facility (place of worship). Policy LP48 of the KLP states that “*Proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meets the needs of all members of the community*”.
- 10.4 The proposal shall now be assessed against all other material planning considerations, including visual and residential amenity, as well as highway safety. These issues, along with other policy considerations, will be addressed below.

#### Urban Design issues

- 10.5 Relevant design policies include Policies LP2 and LP24 of the KLP and Chapter 12 of the NPPF. These policies seek for development to harmonise and respect the surrounding environment, with Policy LP24 (a) stating; ‘*[Proposals should promote good design by ensuring]: the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape*’.
- 10.6 The existing building is of single storey scale with additions of varying design located to the rear, and is considered to have a neutral impact upon visual amenity and the character of the street scene. Surrounding the site the predominant character of existing development is that of two storey brick dwellings with hipped roofs, although immediately adjacent to the north is the attached retail unit. Further to the north lies a traditional two storey stone dwelling.
- 10.7 The proposals would result in a two storey building with parapet roof, and would include 4 minarets to each corner of the building, in addition to a green fibre glass dome which would be located centrally and to the front within the roof. The design of the proposals is, to a certain degree informed by the religious function of the building.
- 10.8 The building as extended would be externally faced in stone. The current proposal would result in a building which would have a height of approximately 9m, whilst the dome itself would measure 3.8m on top of this.
- 10.9 With respect to the scale of the development, section drawings submitted through the course of the application demonstrate that the building (not including the dome) would be no taller than the residential dwellings opposite (to the front). Notwithstanding this, the overall design of the development, taking into account the proposed materials of construction, vertical emphasis of the fenestration and height of the dome would result in a building which would appear out of proportion with surrounding development, and detract from the character of the area. As a result, Officers consider that the proposals would result in a strident feature within the street scene, and highly prominent when viewed from both the north and south along Ravenshouse Road.

- 10.10 Whilst it is noted that there is an extant permission in place for relatively substantial extensions to the building, that approval would retain reference to the existing building. The current proposal, due to its appearance, would effectively result in a new building with no reference to the context in which it sits.
- 10.11 In summary, for the reasons set out above, the proposed extensions are considered to have a detrimental impact upon visual amenity and would not promote good design, contrary to Policy LP24 of the KLP and guidance contained within Chapter 12 of the NPPF.

#### Residential Amenity

- 10.12 The application site is located on a predominantly residential street, and the existing building is located opposite residential properties both to the east and west. Furthermore, the topography of the site is such that the land falls away to the west.
- 10.13 Due to the circumstances set out above, the main consideration with respect to the impact of the development upon residential amenity would relate to the impact on the properties to the west of the application site (205-209 Ravenshouse Road). Through the course of the application, the applicant has submitted a section drawing which demonstrates the relationship between the proposed development and the adjacent residential properties. Due to topography, the properties to the rear are set down in relation to the application site. Taking this into account in relation to the distance of the application property from the dwellings to the rear (approximately 20m), it is considered, on balance, that the proposals would not have a significant detrimental overbearing impact upon the occupiers of these properties. Furthermore, as the application site is located to the east of these properties, it is not envisaged that the proposals would impact detrimentally by reason of overshadowing.
- 10.14 Several window openings are proposed to the rear elevation of the building as extended, and these would serve store rooms, and toilets at ground floor level, and conference room, storage and toilets/washroom at the first floor level. It is considered by officers that an adequate separation distance would be achieved between the proposed development and the dwellings to the rear, and no significant loss of privacy would result.
- 10.15 Turning to the properties to the east, these are located a further distance away from the site across Ravenshouse Road, and consist of fairly substantial two storey terraced properties with a relatively high eaves level. The impact of the development on the residential amenity of the occupiers of these properties is considered to be minimal.
- 10.16 KC Environmental Services have commented to advise that noise levels from the Azan (call to prayer) need to be controlled so that local residents are not disturbed by it. Recommendations are made with respect to the timing and frequency of the Azan
- 10.17 On the above basis, the proposals are considered to have no significant detrimental impact upon residential amenity and would accord with Policy LP24 of the KLP and the aims of the NPPF.

### Highway issues

- 10.18 KC Highways DM (at the time of the previous application) raised concerns in relation to previous applications due to the potential impact on parking and traffic generation through this residential area. KC Highways DM raised concerns to the previous application which was approved in 2018, as they considered that the development had inadequate levels of off street parking provision.
- 10.19 The current application does not propose any improvement to the facility in terms of parking, although the floor space would be increased from 280 sq m to 632 sq m (a further increase from the 561 sq m proposed in 2015). The current layout could potentially accommodate 5 car parking spaces. It is likely therefore, that visitors to the site would have to park on the street which would interrupt the free movement of vehicles.
- 10.20 The area around the development is residential in nature and any increase in vehicle movements through the area must be carefully considered. The increase in the size of this facility would potentially increase the number of vehicle trips and people attending. KC Highways DM consider that this could have a detrimental impact on the residential amenity of the occupiers of houses in the area. The increase of vehicle trips could also put further pressure on the highway network in the area when capacity of the network will be reduced by on street parking by visitors to the site. However, it is noted that the current proposal involves the provision of a small conference room and ancillary accommodation such as storage, office and kitchen facilities. The existing prayer room is not to be materially enlarged.
- 10.21 In addition to the above, the applicant states that the Mosque serves the immediate locality and the majority of worshippers visit the site on foot. The land to the side of the building has recently been purchased from the Council, and is now being made available for parking purposes for worshippers to the site and subject to a pending planning application). This will remove vehicles from the highway, however is not included within the red line boundary of the application site and therefore cannot be formally considered as part of the proposals.
- 10.22 In any case, Officers consider that based on the information provided by the applicant with respect to the local catchment of the Mosque, and the nature of the additional floorspace proposed, the circumstances relating to the current application are similar to that of the 2018 approval. As such, the current application is considered, on balance, to be acceptable from a Highways perspective, and in accordance with Policy LP21 of the KLP.

### Representations

- 10.23 The comments raised in representations in support are addressed as follows:
- The organisation has created a positive and confident atmosphere within the Dewsbury Moor area
  - **Response:** This is noted

- The organisation has ensured positive education has reached local households
- **Response:**
- This is noted
- Do not consider parking to be an issue  
**Response:** The highway safety aspects of the proposals are addressed above
- The extension will help the mosque to put on better events for local people and other attendees
- **Response:** This is noted
- Adjacent land was recently bought and is used for parking  
**Response:** This is noted. However, the land is not included within the red line boundary of the application site.

The comments raised by objectors are addressed as follows:

The proposed extensions will result in a loss of sunlight in the mornings

**Response:** The site is located to the east of Nos. 205-211 Ravenshouse Road. Whilst there may be some overshadowing in the early part of the day, this is not considered to be significantly detrimental to the residential amenity of the occupiers of those properties, due to the separation distance between them and the site. Furthermore, the extended part of the building closest to these properties would be single storey in scale.

The privacy of residents on Ravenshouse Road will be reduced

**Response:** The site is considered to be located an adequate distance from neighbouring residential properties, as set out above.

Extensions will restrict light and views

**Response:** The matter of overshadowing is addressed above. The loss of a view is not a material planning consideration.

Use of the mosque results in noise disturbance to neighbouring residents

**Response:**

Various concerns relating to highway safety

**Response:** The agent has provided the results of a survey of the modes of transport used by worshippers to the site which demonstrates that the majority arrive on foot. In addition, as stated above, the submitted plans show that the proposals would not result in additional worshipping space, but instead, ancillary space in the form of office/storage and conference space

This is not required nor requested by the locality. There are at least 3 other Mosques within walking distance of this site

**Response:** This is not a material planning consideration

There is no need for a two storey extension

**Response:** Noted

Residents are being pressurised into signing a petition in support of the proposal

**Response:** This is acknowledged.

Concern over impact of the building process, with large vehicles blocking the road, the noise level it will create, impact on parking for residents, the general mess it will generate and the health and safety risks to residents

**Response:** This is an inevitable aspect of the construction process and is usually short lived.

The shop does not belong to the Mosque

**Response:** The applicant's agent has confirmed that the Mosque does own the shop. No documentary evidence has been received to contradict this.

### Other Matters

#### *Coal Mining Legacy*

- 10.24 The site is located within a High Risk Area as defined by the Coal Authority. A Coal Mining Risk Assessment was submitted with the previous application. The Coal Authority concurs with the recommendations set out within the submitted CMRA, and raises no objections to the proposed development, subject to the imposition of conditions requiring further intrusive site investigations to be undertaken before the commencement of development. This would ensure that the proposals accord with government guidance contained within Chapter 15 of the NPPF.

#### *Air Quality*

- 10.25 KC Environmental Services, in reference to the previous application, requested that a condition was imposed, should permission be granted requiring provision for electric vehicle charging. However, in this case the proposals relate to an existing place of worship and addition of ancillary facilities. As such, it is not considered reasonable in this instance to impose such a condition.

#### *Climate Change*

- 10.26 Chapter 12 of the KLP relates to climate change and states that "Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development". This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development.

#### *Crime Prevention*

- 10.27 The Council's Crime Prevention Officer has made recommendations regarding security measures which could be incorporated into the development, should permission be granted.

## 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.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The development proposals do not accord with the development plan and 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. Recommendation is therefore to refuse the application.

### Background Papers:

Web link to application details –

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92515>

Certificate of Ownership – Certificate A signed and dated 26/07/2019

Web link application 2017/93161 – Erection of extensions and alterations – approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93161+>

Web link to application 2015/92957 – Erection of extensions and alterations – approved

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f92957+>

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