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**Report of the Head of Development Management****HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 15-Dec-2016****Subject: Planning Application 2015/90020 Demolition of existing hotel and erection of 15 dwellings The Whitcliffe Hotel, Prospect Road, Cleckheaton, BD19 3HD****APPLICANT**

Mr S Singh

**DATE VALID**

06-Jan-2015

**TARGET DATE**

07-Apr-2015

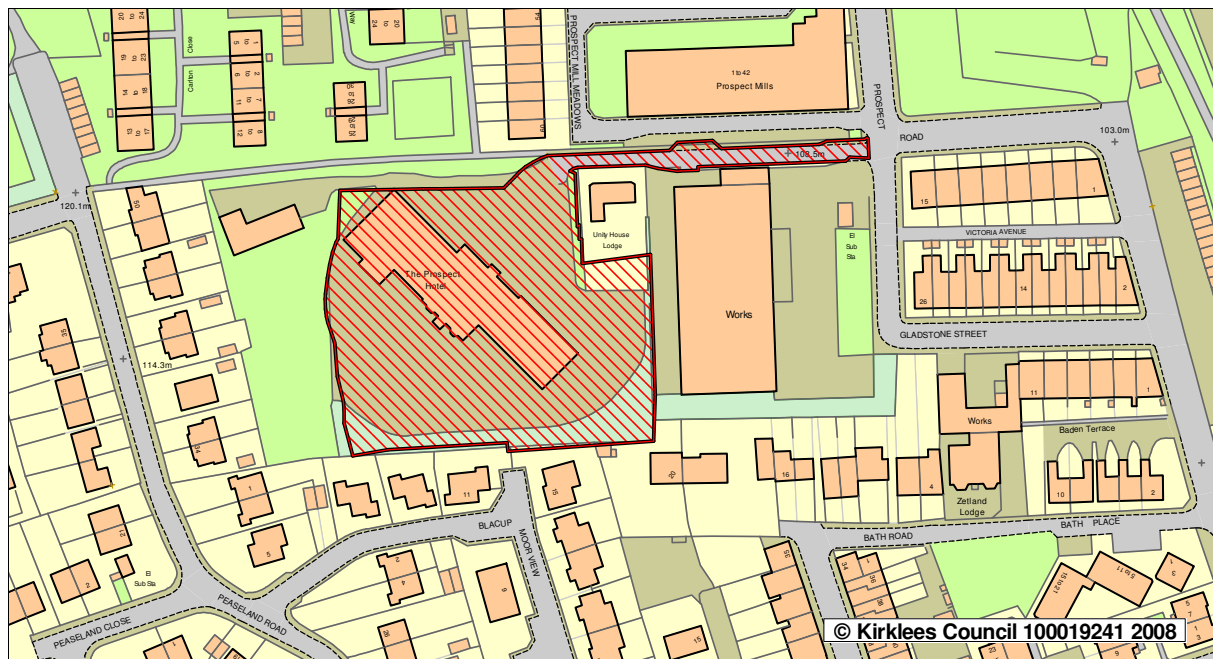
**EXTENSION EXPIRY DATE**

21-Oct-2016

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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:**

**Cleckheaton**

**YES**

Ward Members consulted  
(referred to in report)

**RECOMMENDATION: Grant Conditional Full Permission subject to the delegation of approval to the Head of Development Management in order to complete the list of conditions contained within this report (and any added by the Committee) and unless, upon receipt of further information the development is found to be incapable of sustaining any contributions, to secure a S106 agreement to cover the following matters:**

**i) A commuted sum in respect of public open space and for the developer to enter into the Metro Card Scheme.**

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

## **1.0 INTRODUCTION:**

1.1 The application is brought to the Heavy Woollen Planning Sub-Committee for determination because of the size of the site, which exceed 0.5 hectares in area. This is in accordance with the Council's Scheme of Delegation.

1.2 In addition, Councillor Andrew Pinnock has also commented as follows:

*" . . . I would like to ask formally for a site visit for this application. It is such a constrained site and the implications of development so significant that I think it best that Members see it for themselves. As part of the visit I would like Members to view the site from Blacup Moor View, as a number of residents there have expressed concerns".*

- 1.3 The application was deferred from the June Heavy Woollen Planning Sub-Committee so that amendments could be sought which addressed Members concerns relating to access and highways, including the physical prevention of parking on the Public Right of Way. Also, so that negotiations could take place with regard to the S106 contributions.
- 1.4 It is the opinion of officers that the highway matters have been addressed, as detailed in the 'Highway Section' below.
- 1.5 The applicant has submitted a Viability Appraisal on the basis that the development is unable to sustain any contributions. This has been independently assessed and the applicant has been asked to provide additional information including a detailed breakdown of demolition costs, the extra over costs associated with the foundation solution, and a detailed breakdown of the highway works. This information is awaited and the outcome of this will be reported to Members in the update.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a site of approximately 0.59 hectares. Running along the northern boundary (but outside of the application site) is a Public Footpath (Spen 79/10) and beyond this are residential properties. To the east is Unity Lodge House which shares access with the application site. Beyond this is a commercial unit.
- 2.2 To the south, but set at a much lower level than the application site, are dwellings on Blacup Way. To the west are residential grounds.
- 2.3 The site currently houses a large, detached building which was occupied as a Hotel. It appears that this has been unoccupied for a number of years and the land around the building now appears to be used informally for the storage of motor vehicles.
- 2.4 The majority of the land around the building, and specifically adjacent to the site boundaries, contains trees which are subject to Preservation Orders.

## **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the demolition of the existing hotel and full planning permission for the erection of 15 dwellings. The application was originally submitted for 20 dwellings; however this has been revised after Officers' raised concerns with the proposed layout.
- 3.2 The proposed layout comprises a mix of dwellings, the majority of which would be semi-detached two storey properties. The layout also includes two detached two-storey dwellings, and a single storey dwelling adjacent to the entrance of the site.

- 3.3 Access is to remain from the track to the north east corner of the site, off Prospect Road. Improvements are to be made to this access, including the insertion of a vehicle passing place.

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

- 4.1 2014/93707 - Demolition of existing hotel and erection of 20 dwellings. Withdrawn (invalid).
- 4.2 2014/90137 – Discharge of conditions 3, 6, 7, 8, 9, 10, 11, 13, 14, and 15 on previous permission 2009/92304 for erection of 17 three bedroom dwellings with garages and change of use and alterations to convert existing mill to 42 two bedroom apartments and associated parking – Split Decision
- 4.3 2009/92304 - Erection of 17 three bedroom dwellings with garages and change of use and alterations to convert existing mill to 42 two bedroom apartments and associated parking - Approved

#### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Officers have negotiated with the applicant to secure:
- A reduction in the number of dwellings to address the impact on the protected trees.
  - Improvements to the proposed access.
  - Revision to house types to include a bungalow adjacent to the entrance to address amenity issues.

#### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan will be published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (adopted 1999) remains the statutory Development Plan for Kirklees.

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

- 6.2 D2 – Unallocated land  
BE1 – Design principles  
BE2 – Quality of design  
BE12 – Space about buildings  
T10 – Highway safety  
T16 – Pedestrian routes  
T19 – Car parking standards  
G6 – Contaminated land  
EP10 – Energy Efficiency  
EP11 – Integral landscaping scheme to protect / enhance ecology  
BE23 – Crime Prevention  
NE9 – Mature trees  
H1 – Meeting the housing needs of the district  
H6 – Housing sites  
H18 – Provision of open space

## Supplementary Planning Guidance / Documents:

- 6.3 SPD2 – Affordable Housing

## National Planning Guidance:

- 6.4 National Planning Policy Framework.

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

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

- 7.1 Nine (9) local residents have written in (*a number of these have written in more than once, including to provide photos*) to object to the application and one (1) letter of support has been received.
- 7.2 The points raised in **objection** to the proposals are summarised as follows:

### **Highway matters:**

- Access will be dangerous
- Access road will attract significantly more use with residential development than the hotel use

### **Visual amenity matters:**

- Existing building has character and should be retained.

**Landscape / ecology matters:**

- Potential loss of trees would be detrimental

**Amenity matters:**

- Houses will cause overlooking and overbearing impact
- Likely noise and disturbance created including from future residents

**Other matters:**

- Adjacent mill development should be completed by the applicant before this takes place
- Development will impact on local health services, including cumulative impact from other developments
- Site is already in a poor state visually
- Property prices will be affected
- Objections to previous application on site should be taken into consideration
- Changes in site levels should be taken account of
- Potential structural issues with banking
- Who is responsible for annual maintenance of trees?
- A brownfield site should be used instead

7.3 The points raised in **support** of the scheme are summarised as follows:

- Redevelopment of this site will improve its visual appearance
- Site is in sustainable location
- Highway improvements will be included

7.4 Ward Councillor Kath Pinnock has emailed in respect of this application:

*"I have looked carefully at the application and, while not having objections in principle, do have the following concerns:*

*1. The site uses a single carriageway access which is 85m long. This will inevitably create conflicts for traffic entering and leaving the site. There are no proposals for passing places.*

*2. My understanding is that the access is not in the ownership of the applicant which makes it more difficult to resolve the highways issues.*

*3. Traffic movements will be very different from those when the hotel was in operation when the majority of the traffic was in the evening.*

*4. Access to the existing house on the site appears to be compromised by this application.*

*5. There is a considerable height difference between this site and the adjacent Blacup Moor View and this must be addressed in the application.*

*6. The original house on the site is of some local historic interest. In the 1888 maps the original house is described as Gladstone House.*

*For these reasons, I urge that the application is deferred until all these issues have been satisfactorily addressed."*

- 7.5 Councillor Andrew Pinnock has also commented on the application. His comments are set out in paragraph 1.2 of this report.
- 7.6 Amended plans were received during the course of the application and subsequently re-advertised. As a result, 6 further representations have been received. A summary of the comments raised are as follows:

**Highway Safety matters:**

- The revised proposal includes 2 no 4 bedroom houses with a possible 4 cars each. Concern about highway safety on a road with no footpath.
- Traffic movement for the hotel was mainly on a weekend with 30-40 cars on a wedding day, and 5-10 during the week. The proposal will increase this 10 fold during the week and double weekend traffic. The road is 85m long and only 3m wide outside Unity House Lodge.
- Accessing Unity House Lodge involves partly blocking single track road and vehicles reversing will be a hazard. Concern the access is not fit for purpose.
- The snicket is a major route to and from the town centre, particularly during school times.
- The revised proposal will impact on the parking available to serve the adjacent Prospect Mill Development.
- The shared access lane does not meet the legal requirements for a development of this size, which should be 5.5 metres.
- The proposal, together with the proposed adjacent mill development will generate a sizeable increase in traffic.

**Residential Amenity matters:**

- Concern about the difference in ground levels between Blacup Moor View and the new development. Properties need adequate privacy.
- Concern about loss of privacy to Unity Lodge House.
- Houses will have a direct line of sight into bedrooms of properties along Blacup Moor View. A 6ft high fence along the top of the banking to screen off the properties at lower levels is required.

**Other matters:**

- Old cars are parked along the Southern boundary, which are unsightly, and any spillage will affect the trees.
  - Fencing is required along the southern boundary to protect neighbouring properties from debris and slippage of materials.
  - All work should be done with consideration of neighbouring properties.
  - Concern regarding the safety risk from overhanging trees. Trees should be maintained before development commences and protected during the works. Future responsibility for maintenance should be clarified.
- 7.7 Additional amended plans were received and re-advertised with a deadline of 3<sup>rd</sup> June 2016. A further representation has been received reiterating previous comments.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**K.C. Highways Development Management** – Following receipt of amended plans, no objections subject to conditions.

**Environment Agency** – No comments to make.

**Coal Authority** – No objections.

**Yorkshire Water** – No objections subject to conditions.

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

**K.C. Environmental Services** – No objections subject to conditions.

**K.C. Arboricultural officer** – Following receipt of amended plans no objections subject to a condition requiring an Arboricultural method statement.

**K.C. Ecology & Biodiversity Officer** – Initial concerns with the level of detail included in the bat survey. Subsequently additional information has been provided and is acceptable.

**K.C Flood Management and Drainage** – No objection subject to conditions.

**K.C. Landscaping** – As no on-site POS is proposed a commuted sum should be sought.

**West Yorkshire Police Architectural Liaison Officer (PALO)** – No objections to the proposals in principle.

## **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 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).
- 10.2 The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.
- 10.3 The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’.
- 10.4 Given the presence of existing building and areas of hardstanding on the site, the site is classed as ‘brownfield’ for the purposes of assessing the principle of development in accordance with the NPPF. The NPPF encourages the effective use of land by reusing land that has been previously developed, although it does not set out a ‘brownfield first’ approach to development (unlike previous planning policy).
- 10.5 The NPPF identifies three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy; an environmental role; and a social role by providing the supply of housing required to meet the needs of present and future generations.
- 10.6 In respect of the economic role, paragraph 18 of the NPPF states that “*The Government is committed to securing economic growth in order to create jobs and prosperity.*” The proposed development will contribute significantly through the creation of jobs through the construction phase, including for contractors and local suppliers and generating additional demand for local services.
- 10.7 In respect of the environmental role, the regeneration of a brownfield site will improve the character of the area. Landscaping/ecological enhancement measures will be required as part of any approval and these will assist in enhancing the environment. The development will also deliver new development that is fit for purpose, providing new modern buildings that are energy efficient and take advantage of renewable energy sources and low carbon consumption.

- 10.8 In terms of a social role, the development will contribute through the provision of housing (including 15% of the floorspace of the development being affordable housing) at a time when the Council is unable to demonstrate a 5 year supply of housing land.
- 10.9 Paragraph 6 of the NPPF states, *"The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system."* Paragraph 19 adds that the Government *"is committed to ensuring that the planning system does everything it can to support sustainable economic growth."* The NPPF sets out at paragraph 49, *"housing applications should be considered in the context of the presumption in favour of sustainable development."* The principle of residential development on the site is considered acceptable.

#### Loss of business premises:

- 10.10 Policy B1 of the Council's UDP seeks to meet the employment needs of the district by providing land to accommodate the requirements of business and maintaining the stock of established business and industrial premises and sites, except where this would lead to environmental problems or where they are unsuitable for business and industrial use or there is no realistic prospect of re-use or redevelopment for such purposes.
- 10.11 NPPF paragraph 22 is clear that local planning authorities should not safeguard sites previously in employment use if there is no strong economic case for their retention. It is noted that these premises are vacant and appear to have been so for a considerable period of time. This is considered to weigh heavily in favour of the proposal for redevelopment.
- 10.12 Whilst the applicant has not submitted a B4 statement, it is evident from a site visit that the building is in a poor state of repair and would need considerable investment to bring it up to modern standards as a hotel. In addition, it is considered that the proposed use of the site for residential, would be more compatible with the existing surrounding residential properties than. Taking the above factors into account, it is considered, on balance, that the loss of the business premises is acceptable.

#### Urban Design issues

- 10.13 There is no defining characteristic of the area surrounding the application site. Immediately to the north, south, and western boundaries are residential properties. These comprise a mixture of detached and semi-detached, of both single and two storey nature. There are also flats to the north, which are set over 3-4 floors.
- 10.14 To the north-east and eastern boundaries are industrial buildings. Prospect Mills, to the north-east is a large four storey vacant mill which has planning approval for change of use and alterations to convert into 42 apartments

(approved under application reference 2009/92304 and granted Dec 2013). To the east is a single storey industrial unit, which remains in commercial use.

- 10.15 Unity House Lodge is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage.
- 10.16 The application site currently comprises of the Whitcliffe Hotel, a large two/three storey traditional building faced in natural stone and white render. The proposal involves the demolition of this building. The building is not listed and nor is it considered to constitute an undesignated heritage asset. Therefore, the demolition of this building, in the view of officers, would not be unduly harmful to the visual amenity of the application site or wider area.
- 10.17 During the course of the application, the number of dwellings has been reduced from 20 to 15 and would comprise a mixture of semi-detached and detached two storey and two and a half storey dwellings (3 and 4 bedrooms) and one single storey dwelling. The layout takes into account the mature, protected trees which are located around the boundaries of the site and which would be retained and provide a natural buffer with existing development.
- 10.18 The application site is not highly visible from surrounding highway network however there is a public footpath which runs immediately along the northern boundary of the site.
- 10.19 It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space and would accord with policies BE1 and BE2 of the Unitary Development Plan.

#### Residential Amenity

- 10.20 Policy D2 of the Unitary Development Plan stipulates that development should protect the residential amenity of neighbouring residential properties, and policy BE12 sets out the minimum distances required between dwellings. The site is largely surrounded by residential development with the nearest neighbouring properties which could be affected by the development including No's 7-11 Blacup Moor View and No.20 Bath Road to the south, No's 34-50 Peaseland Road to the east, Unity House Lodge to the west, and No.60 Prospect Mill Meadows, and properties to the north off Stanley Street.
- 10.21 In respect of the impact on properties off Blacup Moor View, these neighbouring properties are detached, two storey dwellings, whose private amenity spaces back onto the site. The application site is raised above that of Blacup Moor View and along the boundary is a group of mature trees. The closest relationship will be plots 7 and 8 which would be sited at a distance of 19.5 metres from the mutual boundary. There would be a distance of

substantially over 21 metres between directly facing neighboring properties, as is required by policy BE12. The properties would occupy an elevated position relative to properties off Blacup Moor View however; due to the substantial distance to these properties it is considered that there would be no detrimental overbearing impact. This has been demonstrated through the proposed cross sectional drawing submitted, and appropriate screening would be secured by condition.

- 10.22 In respect of the impact on properties off Peaseland Road these properties are separated from the application site by the amenity space of the property to be retained. There would be a distance of significantly over 30 metres from the proposed dwellings to these neighbouring properties and there would be no loss of privacy or overbearing impact.
- 10.23 In respect of the impact on Unity House Lodge this is a single storey, detached dwelling of natural stone construction. It is set within a reasonable sized curtilage and has had planning permission granted for a rear extension and detached garage. The closest relationship would be with plots 1 and 2 as originally proposed. The initial proposal was for a pair of semi-detached two storey dwellings adjacent to the lodge, however the proposed cross sectional drawing highlighted that proposed two storey dwellings immediately adjacent to this property would have a detrimental overbearing impact. Amended plans have therefore been secured to omit this pair of semi-detached properties and replace with a single storey property. The revised proposal is for a single storey property within this part of the site which is considered to satisfactorily address the previous concerns raised, and the details are considered by officers to be acceptable.
- 10.24 A Noise Report has been submitted by S&D Garritt Ltd dated 15/09/2014 and submitted in support of the application. Environmental Services agree with the findings of the report and raise no objections, subject to the development being carried out in accordance with the details.

#### Landscape issues

- 10.25 In respect of the impact on trees, the proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections. This is subject to the imposition of a condition requiring an Arboricultural Method Statement, detailing how the proposal will be constructed whilst avoiding damage to trees. Therefore there are no objections in respect of mature trees and the development complies with Policy NE9 of the Unitary Development Plan.
- 10.26 The applicant has submitted a bat survey. This detailed that no bats are using the building for roosting, although some foraging is taking place in the locality. The Council's Ecologist initially raised concerns with the level of detail within the survey. This has now been supported by further information. It is

therefore considered that there are no objections subject to the imposition of conditions relating to the following:

- A landscaping scheme which retains existing trees and includes new planting based upon the use of native tree and shrub species.
- Provision of bat and bird boxes
- A landscape management plan to manage the important biodiversity features incorporated into the site.
- A lighting scheme designed to avoid light spillage into sensitive areas

10.27 Subject to these conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

#### Highway issues

10.28 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. A number of concerns have been raised in the representations received, and the application was deferred from the June Committee so that amendments could be sought which addressed members concerns relating to access and highways.

10.29 The site is accessed from the unnamed access road which links the existing site access with Prospect Road and is of a narrow width, especially where it meets Prospect Road. This also serves adjacent residential dwellings, and is a secondary service access for the adjacent industrial site, although this appears to be seldom used.

10.30 The unnamed access road is approximately 85m in length and is a two way single carriageway road with a footway provided along the north side connecting Prospect Road with Peaseland Road. This road forms part of public footpath SPE/79/30 that provides access between Prospect Road to the east and to the west provides a route to Heaton Avenue School via Peaseland Avenue and Grange Road.

10.31 The carriageway is initially 3.8m in width where it meets Prospect Road, and the ranges between 3.8m and 4.8m in width. The footway is generally 1.3m in width; although where the pedestrian route follows the public right of way this narrows to around 1m in width. The unnamed road contains street lighting and waiting restrictions are provided on the north side, adjacent to the Prospect Road junction.

10.32 The personal injury accident records for the last five years along Prospect Road and Tofts Road including the junction with Whitcliffe Road show one reported injury accident which occurred in 2010, was classified as slight and was the result of a vehicle colliding with a low wall in wet weather. The contributory factors were noted to be a 'slippery road surface' and the bend in the road.

- 10.33 As part of the development, it is proposed to improve the unnamed access road where it meets Prospect Road. The unnamed access road currently does not provide suitable carriageway width for two vehicles to pass simultaneously.
- 10.34 Since the application was previously reported to committee, the applicants have provided revised plan number 894-101 Rec C. This plan shows the first 20 metres of the access road widened to 4.5m which is considered wide enough for two vehicles to pass, the provision of a passing place provided part way along the access road, and a 1.3m wide footway is to be provided to the northern side of the access road (a scheme relating to the prevention of parking on the PROW has also been considered by officers following comments raised by members at Committee previously. It is considered appropriate to condition a scheme). In addition, two traffic calming ramps are now proposed to either end of the access road, together with the re-surfacing of the road using a contrasting colour. It is also proposed to remove part of the existing boundary wall in proximity to the exit of the adjacent Prospect Mill development and provide a new area of footpath adjacent to the access points to both developments. These improvements would allow vehicles to pass and should also improve inter-visibility between vehicles exiting the unnamed access road and the adjacent site to the north.
- 10.35 Within the development site, sufficient off-street parking is provided together with internal refuse vehicle turning.
- 10.36 In terms of traffic impact, the existing buildings on site are currently unoccupied therefore to determine the potential traffic generation of the existing use it has been necessary to use the industry standard TRICS database. Potential peak hour trip rates (morning peak 0800-0900 hours and evening peak 1700-1800 hours) for a 42 bedroom hotel, pub and restaurant and the proposed residential development have been compared. The existing use of the site as a hotel, pub, restaurant, could generate 21 trips during the morning peak, and 43 trips during the evening peak. The proposed development is anticipated to generate approximately 13 trips during the morning peak and 14 trips during the evening peak hours. This results in a net decrease of 8 trips during the morning peak hour and a net decrease of 29 trips during the evening peak hour. The proposed development would therefore represent a significant reduction in traffic generation when compared to the current use of the site.
- 10.37 Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use Highways Development Management support the proposals. A number of conditions are recommended, to include:- a scheme for the proposed road improvement to include widening of the access, provision of a passing place and adjacent footways, and appropriate drainage. Furthermore, to encourage the use of the public transport services available, the developer will need to enter into Metro's Residential MetroCard (bus only). The cost would be  $15 \times £475.75 = £7136.25$ . This will be secured through a Section 106 agreement, but is subject to the conclusions of the viability exercise currently being undertaken.

### Drainage issues

- 10.38 The Council's Flood Management and Drainage Officer, the Environment Agency, and Yorkshire Water have been consulted on the application and raise no objections subject to the imposition of conditions. Subject to the imposition of conditions, it is considered that the proposed development is acceptable in relation to flood risk and drainage.

### Representations

- 10.39 The concerns raised in the representations have been carefully considered and addressed where appropriate in the assessment above. However, to summarise, officers comment as follows on the matters raised:

10.40 *Highway Safety matters*

**Response:** Given the improvements to the access road and that this road is expected to generate significantly less traffic than the previous use, officers support the proposals. The proposal will result in the loss of parking spaces to serve the adjacent Prospect Mill Development. Highway Services considered however that this displacement parking can be accommodated on-street.

10.41 *Visual amenity matters*

**Response:** It is the view of officers that the proposed development would relate satisfactorily to the surrounding area, in terms of its layout, scale, and overall design. It is appreciated that the site is constrained, with residential development to all sides however, it is considered that the proposals would be satisfactorily in keeping with neighbouring properties and provide sufficient amenity space.

10.42 *Landscape / ecology matters*

**Response:** The proposals have been assessed by the Council's Arboricultural Officer who has confirmed that following receipt of amended plans (which reduce the number of dwellings proposed and therefore the impact on Protected Trees), there are no objections.

10.43 *Amenity matters*

**Response:** The differences in site levels have been taken into account when considering this application.

10.44 *Other matters*

Adjacent mill development should be completed by the applicant before this takes place

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

Development will impact on local health services, including cumulative impact from other developments

**Response:** The provision of health facilities is not within the jurisdiction of the Local Authority.

Property prices will be affected

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

Objections to previous application on site should be taken into consideration

**Response:** Objections to previous applications are not taken into account.

Potential structural issues with banking

**Response:** The responsibility for the safe development of the site rests with the developer.

Who is responsible for annual maintenance of trees?

**Response:** Clarification is being sought from the agent about maintenance of landscaped areas.

A brownfield site should be used instead

**Response:** This is a previously developed brownfield site.

#### Planning obligations

10.45 The proposed development will trigger the following contributions:

- Provision of on-site affordable housing (or a commuted sum in lieu) at a rate of 15% of the floorspace of the development.
- A commuted sum in lieu of on-site Public Open Space. The lump sum contribution without prejudice will be £40,250.00.
- Provision of Metro Cards

10.46 In respect of the affordable housing contribution, the existing building is vacant and the scheme benefits from Vacant Building Credit. In this situation the existing floor space of the building is credited against the floor space of the new development. The agent has provided the following calculations:

Existing Floor Space 1672 m<sup>2</sup> (omitting the third floor)

Proposed Floor Space: Total: 1421.16 m<sup>2</sup>

- Type A 85.59m<sup>2</sup> (10 dwellings)
- Type B 125.30m<sup>2</sup> (2 dwellings)
- Type C 129.60m<sup>2</sup> (2 dwellings)
- Type D 55.46m<sup>2</sup> (1dwelling)

10.47 The floor space of the existing building is in excess of the floor space of the proposed fifteen dwellings, and accordingly an affordable housing contribution is not required in this case.

10.48 With respect to the remaining contributions, the applicant has submitted a Viability Appraisal on the basis that the development is unable to sustain any contributions. This has been independently assessed and the applicant has been asked to provide additional information including a detailed breakdown of demolition costs, the extra over costs associated with the foundation



solution, and a detailed breakdown of the highway works. This information is awaited and the outcome of this will be reported to members in the update.

### Other Matters

- 10.49 **Health and Safety:** The site falls within the defined Development High Risk Area where within the application site and surrounding area there are coal mining features and hazards which need to be considered. The Coal Authority's information indicates that historic unrecorded underground coal mining is likely to have taken place beneath the site at shallow depth. In addition records indicate that the zone of influence of two off-site mine entries encroach over the eastern half of the access route from Gladstone Road / Prospect Road.
- 10.50 The Coal Authority concur with the recommendations of the Coal Mining Risk Assessment Report that coal mining legacy potentially poses a risk to the proposed built development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. The Coal Authority raises no objections, subject to the inclusion of conditions to secure the intrusive site investigation works.
- 10.51 **Other Issues:** The existing building on site was previously used as a Trade Union Hall, and there is a social significance associated with this former use. The building itself however, has no significant architectural merit and Conservation and Design raise no objections to the proposed re-development of the site.
- 10.52 Paragraph 35 of the national Planning Policy guidance states that "Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....incorporate facilities for charging plug-in and other ultra-low emission vehicles.." To encourage the use of ultra-low emission vehicles such as electric vehicles, a condition will be imposed to secure 1 charging point per dwelling with dedicated parking as proposed.

## **11.0 CONCLUSION**

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. It is considered that the proposed development is in accordance with the principles of sustainable development.
- 11.2 This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

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

**It is proposed that the following planning conditions would be included should planning permission be granted:**

1. Time limit for development
2. Development carried out in accordance with plans
- 3 Samples of all facing and roofing materials
4. Details of the siting, design and materials to be used in the construction of walls or fences for boundaries, screens or retaining walls for the dwellings
5. Vehicle parking areas to be surfaced and drained
6. Scheme detailing proposed improvements to the unnamed road leading between Prospect Road and the application site including widening of the access, provision of a passing place and adjacent footways
7. Phase I Intrusive Site Investigation Report
8. Phase II Intrusive Site Investigation Report
9. Remediation Strategy
10. Reporting of any unexpected contamination
- 11 Validation Report
12. Scheme restricting the rate of surface water discharge from the site to a maximum of 70% (as advised by Strategic Drainage) of the existing pre-development flow rate to the same outfall
13. Development carried out in accordance with the recommendations of the noise report
14. Details of charging plug-in points for electric vehicles
15. Arboricultural Method Statement, in accordance with BS 5837 to show how the development will be completed while avoiding damage to the trees' and their roots
16. A Biodiversity Mitigation and Enhancement Plan
17. A landscape management plan
18. A scheme for the physical prevention of parking on the Public Right of Way

**Background Papers:**

The application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90020>

Certificate of Ownership – Notice served on:

- PK Smith and MJ Smith - Unity House Lodge, Prospect Road, Cleckheaton
- Crownham Limited -15 Whitehall Road West, Birkenshaw