
Report of the Head of Development Management**HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 23-Feb-2017****Subject: Planning Application 2016/93112 Outline application for erection of 37 dwellings and demolition of existing industrial unit Calder Mould Services, Headlands Road, Liversedge, WF15 7NT****APPLICANT**

H Seale

DATE VALID

20-Sep-2016

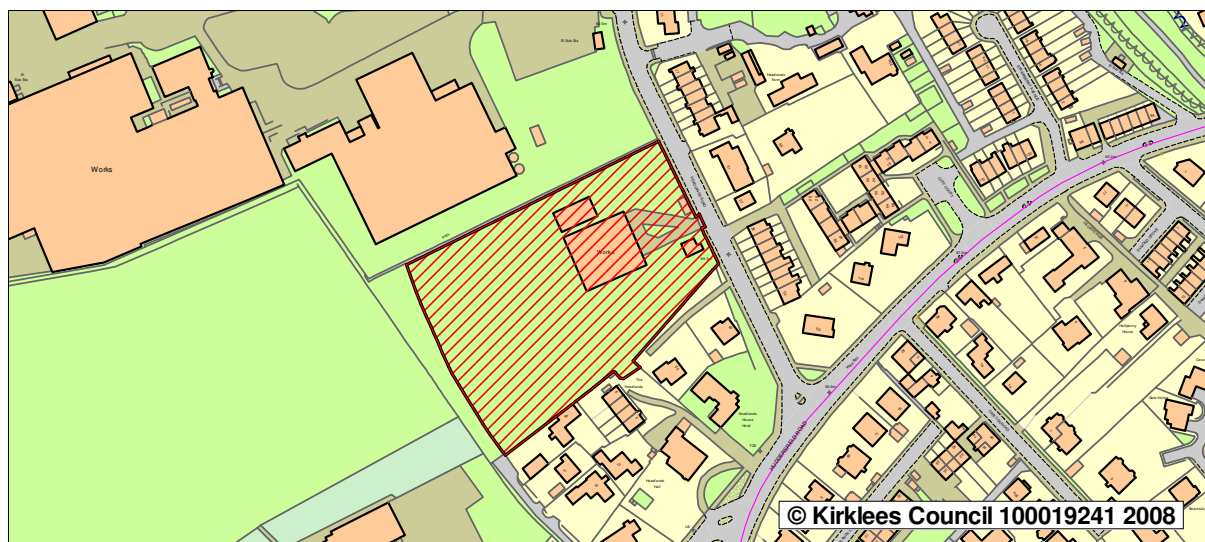
TARGET DATE

20-Dec-2016

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Liversedge and Gomersal

Yes

Councillor David Hall
Councillor Lisa Holmes
Councillor Michelle Grainger-Mead

RECOMMENDATION:

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

1.0 INTRODUCTION:

- 1.1 The application is brought forward to the Heavy Woollen Planning Sub-Committee for determination as the site is in excess of 0.5ha. This is in accordance with the Council's Scheme of Delegation.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of approximately 1.1ha of land which is located on the western side of Headlands Road, Liversedge. The site contains a group of factory buildings which are located towards the front of the site near the Headlands Road frontage. Most of the units are vacant, and the one that is still occupied is due to be vacated in the near future as the business relocates. The remainder of the site is a green area and has become very overgrown and unkempt.
- 2.2 There are a number of mature trees on this site, not least along the southern boundary which are considered to be of visual merit.
- 2.3 There are dwellings on the southern side of the site and on the opposite side of the road. To the north is a commercial unit and to the west are the playing fields associated with Spen Valley Sports College. There is a public footpath along the northern boundary of the site. The application site is at a higher level than the public right of way.

3.0 PROPOSAL:

- 3.1 Outline permission is sought for the demolition of the existing industrial unit and the erection of 37 dwellings. Only access is applied for at this stage, but an illustrative layout for 37 dwellings, comprising a mix of terrace, semi-detached and detached properties, is submitted for information.

- 3.2 Access to the site is off Headlands Road, in approximately the same position as the current access.
- 3.3 The proposal also allows for the widening of the public footpath to the north of the site to facilitate a shared cycling/pedestrian route to the Spen Valley Sports College.

4.0 RELEVANT PLANNING HISTORY:

2013/91037 – Outline application for the erection of 37 dwellings with access included for consideration. This application was approved at Planning Committee on the 26th September 2013 (with the decision being issued on 27th September 2013)

2012/91567: Outline application for 37 dwellings - Withdrawn.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 During the course of the application it was not considered necessary to enter into discussions with the agent or their applicant.

6.0 PLANNING POLICY:

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

The application site is unallocated on the Kirklees UDP proposals map.

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

D2 - Unallocated land

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

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

H8 – Change of use to residential
H10 – Affordable housing
H18 – Provision of open space
T10 – Highway safety
T19 – Parking standards
G6 – Land contamination
EP4 – Noise sensitive development
NE9 – Retention of mature trees
R13 – Improving Public Rights of Way

6.3 Supplementary Planning Guidance / Documents:

Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

6.4 National Planning Guidance:

Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
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 The application was advertised by site notice and neighbour notification letters.

7.2 Two letters of objection were received. The concerns raised are summarised as follows:

- Increase traffic
- Demand for parking
- Road junctions
- Site wall is in disrepair and is affecting the trees
- Local amenities will suffer

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

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

Environment Agency – Refer to Lead Local Flood Authority

Coal Authority – No objections subject to conditions

8.2 Non-statutory:

K.C Environmental Services – No objections

K.C. Ecology – Updated Ecological Assessment required

K.C. Strategic Drainage – A Flood Risk Assessment (FRA) has been submitted. Comments are awaited and will be reported to members in the update.

K.C. Strategic Housing – Contribution required

K.C. Education – Contribution required

K.C. PROW – No objections

K.C. West Yorkshire Police Architectural Liaison Officer – No objections

Yorkshire Water – No objections subject to conditions

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 Planning permission was granted in 2013 for a similar proposal for the erection of 37 dwellings - Application number 2013/91037. The site was last in use for employment purposes. As such the proposal needs to be considered in line with guidance contained in the National Planning Policy Framework (NPPF). Paragraphs 14 and 17 of the NPPF indicate a presumption in favour of sustainable development, and support sustainable economic development to meet the needs of both new business and industry and new homes. Paragraph 22 indicates that Local Authorities should avoid the long term protection of existing employment sites where there is no reasonable prospect of the site being reused for that purpose. Also paragraph 51 indicates a presumption in favour of change of use from business and industry to

residential where there is no strong economic reason to retain the premises for employment purposes. The relevant policy in the Kirklees UDP is Policy B4 which seeks to retain employment uses unless a number of criteria are met.

- 10.2 The applicants have submitted a statement to address Policy B4 of the UDP. This indicates that the premises are largely vacant, and will be entirely vacant shortly. This is despite the offer of the use of the premises free for a 12 month period. Also the remainder of the site has been marketed for a considerable period of time with no positive take up, and a number of site specific problems being identified - not least problems with deliveries.
- 10.3 As a result of this, it is considered by officers that the applicant has demonstrated that the existing site is unlikely to be brought back into a beneficial employment use. It is also considered that notwithstanding the loss of this site there are alternative more modern premises available within the Kirklees District, as such, there is no policy objection to the loss of this site from employment use. Policy B4 also indicates that any proposal should be assessed against its compatibility with neighbouring users; and the effect the use may have upon the future operational flexibility of any neighbouring businesses.
- 10.4 This scheme relates to a piece of land which is flanked to the south by residential, and to the north by the Birkby Plastics factory. Clearly there is no conflict with the residential to the south. The illustrative layout that accompanies the application indicates that it is likely that there will be a number of dwellings which are likely to have habitable room windows and/or gardens facing towards the Birkby Plastics site. An acoustic report accompanies this application relating to noise source from both the factory and Headlands Road, and a condition recommending the acceptable levels of noise attenuation and ventilation is recommended, together with validation that adequate attenuation has been delivered prior to any dwellings being occupied. This condition is specific to the elevation facing towards the Birkby Plastics and should safeguard both future residential amenity and the operational flexibility of the factory.
- 10.5 In light of the above, officers have no objection in principle to the release of this site for residential use, subject to the imposition of appropriate conditions. Especially when taking into account the planning history on this site whereby outline permission for residential development was established under approval 2013/91037.
- 10.6 Other relevant UDP policies relate to residential use on a site of this size and scale, namely policy H10 (Affordable Housing); policy H18 (Provision of Public Open Space) and the Council's education contributions policy. These matters are dealt with in detail in the consultation section, however for clarity, and as the application is outline, the issues of affordable housing and POS will be the subject of conditions

- 10.7 Public open space will be sought in accordance with the criteria detailed in Policy H18. It is likely that at reserved matters stage an off-site financial contribution in lieu of an onsite provision will be acceptable. An education contribution is required.

Urban Design issues

- 10.8 Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.
- 10.9 The site contains a number of vacant units resulting in an area of land that is underused and becoming increasingly unkempt. As a consequence the site offers very little in terms of visual amenity. Subject to considered design and detail the redevelopment of the site could contribute positively to the area.
- 10.10 There are a number of mature trees on the site, particularly along the southern boundary which are of some visual merit. As part of a coordinated landscape scheme for the entire site, they could also afford screening for privacy. As such it is proposed to impose a condition that none of the trees be felled until full landscape details have been approved.
- 10.11 It is considered that matters of visual amenity can be satisfactorily dealt with by means of conditions at this stage. As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP as well as chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.12 The site is currently in employment use, and within an area which has a mixture of uses, i.e. residential to the south and on the opposite side of the road, employment land to the north, and school playing fields to the west. The busy Headlands Road also serves another school, a Council depot, and an abattoir.
- 10.13 Taking into account the above, there are issues of future residential amenity for both the occupants of the proposed dwellings as well as the nearest existing dwellings. At present the application is for access only and therefore the proposed layout is not being considered or approved at this stage. However, it is considered from the illustrative layout submitted that a satisfactory layout can be achieved on this site which would protect privacy and residential amenity. The indicative scales of 2 and 2.5 storeys are also realistic in this location.

- 10.14 There are two boundaries to this scheme which are the most vulnerable to potential disturbance. These are the northern boundary facing towards Birkby Plastics and the eastern boundary which fronts onto Headlands Road. Environmental Health has recommended specific noise attenuation measures to be incorporated into each of these boundaries, to be validated prior to any occupation. These are considered satisfactory to deal with this issue and would accord with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.

Landscape issues

- 10.15 Landscaping is not included for consideration and is retained as a reserved matter. As previously set out, any future landscaping scheme would need to incorporate the retention of some of the existing tree screening within the site.

Housing issues

- 10.16 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.17 Headlands Road runs in a roughly north/south direction linking Halifax Road (A649) to the north and Huddersfield Road (A62) to the south. Headlands Road is a single two lane carriageway with a running width of approximately 7.7m with footways to either side and street lighting to appropriate standards. Headlands Church of England School is located approximately 250m to the north and Headlands Road is a 'School Zone' with traffic calming in the form of plateaus, signing and lining. Vehicle speeds on Headlands Road are observed to be in the order of 25mph.
- 10.18 This application seeks approval to access with all other matters reserved. The application site is an existing industrial development which the applicant claims is underused and partly vacant.
- 10.19 An indicative layout plan is provided which demonstrates how the site could be developed. Sight lines of 2.4 metres x 50 metres are shown onto Headlands Road. The indicative layout shows the proposed carriageway to be 5.5 metres in width with 2.0 metre wide footways to both sides returning into the site leading to a shared surface carriageway with a turning head sufficient in size to accommodate a refuse vehicle. Sufficient off street and visitor parking spaces appear to be shown on the indicative plan.
- 10.20 Planning permission was granted in 2013 for a similar proposal for the erection of 37 dwellings - Application number 2013/91037. The previous permission also included conditions requiring bus stop improvements including a detailed scheme for the provision of bus shelters at bus stop nos. 15622 & 28483.

- 10.21 Whilst the indicative layout is unlikely to be considered acceptable it does demonstrate that the site can potentially provide sufficient and acceptable off-street parking provisions, internal turning, and adequate sight lines onto Headlands Road. Given that the anticipated traffic generation is relatively low with fewer HGV movements.
- 10.22 With regard to the public right of way, the physical widening of public access at Spenborough footpath 111a is welcomed by officers and supports the aims of Policy R13 of the UDP. The works to provide groundworks for a widened path for Spenborough 111a, as proposed in submissions (D&AS page 6, drawing 11/195/B Rev C.) are considered acceptable.
- 10.23 This proposal is considered acceptable in regard to highway safety and would accord with the aims of policies D2 and T10 of the UDP.

Drainage issues

- 10.24 Matters are outstanding with regards to drainage and flood risk. A Flood Risk Assessment has been submitted during the course of the application. Final comments awaited from the Council's Strategic Drainage officer and will be reported to members in the update to ensure that the proposal complies with the aims of chapter 10 of the NPPF.

Representations

- 10.25 Increase traffic
Response: It is accepted that Headlands Road is a busy road, serving a range of differing uses. However the level of traffic this scheme will generate is not significantly greater than the existing factory use, and will remove any commercial vehicles using the site. Highways raise no objections to the development.
- 10.26 Demand for parking
Response: There is ample room for provision of parking for each dwelling within the site, without any spillage onto Headlands Road. Highways have assessed the proposals and consider the development to be acceptable.
- 10.27 Road junctions
Response: Highways have assessed the proposed development including the access details and raise no objections.
- 10.28 Site wall is in disrepair and is affecting the trees
Response: The development would improve the amenity of the area with the introduction of landscaping.
- 10.29 Local amenities will suffer
Response: Contributions are required regarding education and housing.

Planning obligations

10.30 Education:

The proposed development is for 37 dwellings and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £91,430 is required. A condition is recommended to secure this provision.

10.31 Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed.

Other Matters

10.32 *Biodiversity:*

The scale of the above development is such that there is potential for significant ecological impacts, however the ecological report submitted in support of the application is based on survey undertaken in 2012. The report cannot be considered current and therefore, during the course of the application an Ecological Impact Assessment (EcIA) was requested.

10.33 The EcIA has not been submitted to date. However, on taking a pragmatic approach, which takes account of the existing site conditions, this is an outline application where landscaping is a reserved matter, along with the planning history, it is considered by officers that, in this instance, a pre-commencement condition to supply this information could be used in order to ensure compliance with the aims of chapter 11 of the NPPF.

10.34 *Coal Mining Legacy:*

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development.

11.0 CONCLUSION

11.1 The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact in terms of visual or residential amenity. Furthermore there would be no issues with regard to highway or pedestrian safety. For the reasons detailed above, it is considered by officers that, subject to the imposition of appropriate conditions, the proposal is acceptable.

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. 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 Development Management)

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

- 1 3 year time limit permission for submission of Reserved Matters**
- 2 Reserved Matters of Layout, Scale, External Appearance and Landscaping to be applied for.**
- 3 Development to commence within 2 years of the date of approval of the last reserved matters to be approved.**
- 5. Development to be in accordance with approved plans**
- 6. Affordable Housing contribution**
- 7. Education contribution**
- 8. Public Open Space provision**
- 9. Phase I Desk Study**
- 10. Phase II intrusive investigation as necessary**
- 11. Remediation as recommended in the Phase II**
- 12. Remediation strategy**
- 13. Validation**
- 14. Noise attenuation**
- 15. Ventilation**
- 16. Separate systems of drainage**
- 17. Drainage details**
- 18. Surface water drainage**
- 19. Submission of an Ecological Impact Assessment and enhancement measures**

Background Papers:

Application and history files

Website link to be inserted here

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