
Report of the Head of Development Management

STRATEGIC PLANNING COMMITTEE

Date: 30-Mar-2017

Subject: Planning Application 2016/92154 Erection of 5 dwellings Land at, James Street, Liversedge, WF15 7JA

APPLICANT

Bastain, V T Ventures

DATE VALID

18-Jul-2016

TARGET DATE

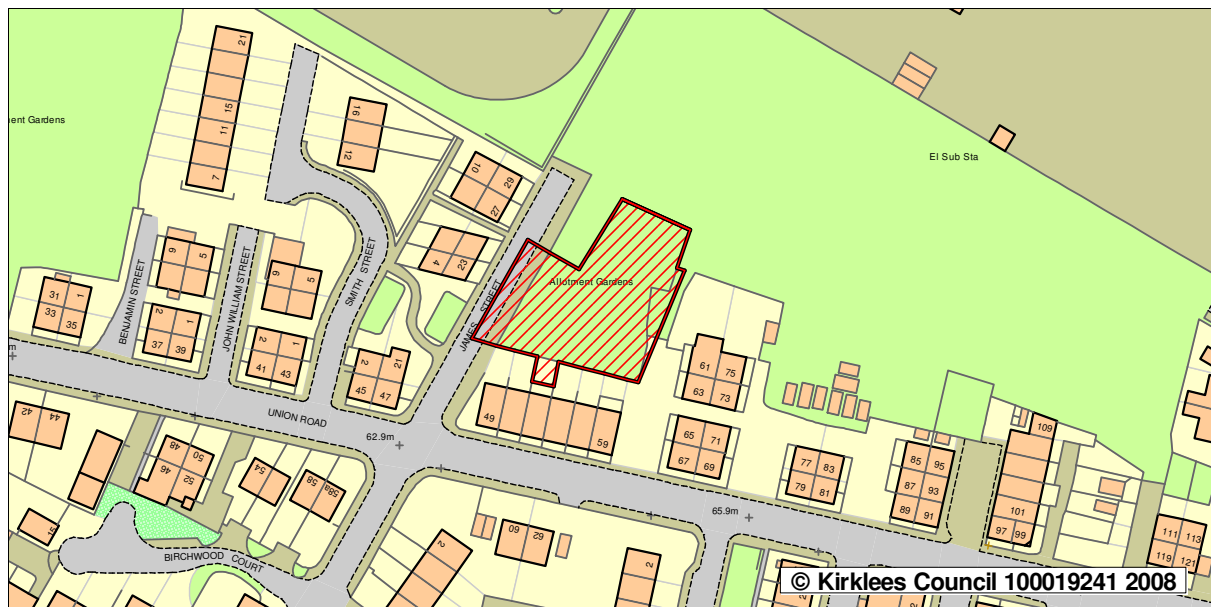
12-Sep-2016

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: Heckmondwike Ward

No

Ward Members consulted
(referred to in report)

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 following completion of the matters listed below:

1. Allow for the expiration of the publicity period on the 11th April 2017

1.0 INTRODUCTION:

- 1.1 This application has been brought to the Strategic Committee for determination as the development represents a departure from the local plan.
- 1.2 The erection of a row of 5 terraced town houses on this predominantly unallocated site is considered beneficial in terms of providing housing in a sustainable location. This is considered to outweigh any loss of the part of the site that is designated as urban green space. In addition to outweighing any the loss of the site in terms of any ecological or visual impacts.
- 1.3 The design, scale, and layout of the proposed new dwellings are considered by officers to be acceptable and furthermore the dwellings have been designed so that they would have no undue detrimental impact on the amenity of any adjoining occupants. The development is considered to be in accordance with Unitary Development Plan policies and the aims of the National Planning Policy Framework.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises of an irregular shaped piece of land that rises from James Street to the west to the rear of number 49-59 Union Road. The site is overgrown with brambles and shrubbery making it inaccessible. Whilst defined as allotment on Ordnance Survey plan it is clear that the allotment use ceased some time ago. The land is currently unkempt in appearance being overgrown and untidy. Whilst offering some limited greenery the site is considered to detract from the character of the area and the streetscene. The

area is characterised by rows of terraced back to back properties with small garden areas.

- 2.2 The site is accessed via James Street which is a cul-de-sac and an adopted highway.
- 2.3 The site is located on the edge of a predominantly residential area with a row of 2 storey terraced properties opposite to the south and blocks of what were once back to back properties to the east and west. The area to the north is a large area of open green space with a boundary of a large trees and shrubbery.

3.0 PROPOSAL:

- 3.1 The application seeks full planning permission for the erection of a row of five 3 storey town houses with a single dormer to the west elevation. The properties are orientated parallel to James Street and centrally located to the site providing 3 bedroomed accommodation in each dwelling. The footprint of the building as a whole measures just over 25 metres by 10 metres. The development incorporates a pitched roof with a maximum height to the eaves of 5 metres and to the ridge 8.8 metres. The development incorporates a retaining wall structure to provide parking to the front of the properties. Parking for Plot 1 is to the side of the dwelling with spaces for the remaining properties located immediately off James Street. 2 spaces per dwelling are provided in tandem format.
- 3.2 The boundary treatment proposed is a 1.8 metre fence. Materials proposed are stone and render walling and concrete tile roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 Application 98/92537 – This application relates to an outline application for the erection of 2 dwellings with garages and was granted conditional permission.
- 4.2 2000/91963 – Outline application for erection of four town houses –refused due to highway concerns, overdevelopment and impact on the amenity of nearby residents
- 4.3 Application 2002/91274 – Application for the erection of 3 no. bungalows with one block of 3 garages - approved
- 4.4 Application 2006/93796 – Erection of 4 dwellings – refused due to overdevelopment and impact on the amenity of nearby residents
- 4.5 Application 2007/91017 – Erection of 4 dwellings - approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 In order to ensure the development complies with Policy BE12 and minimises impact on the adjoining occupants revised plans were submitted to address concerns regarding loss of privacy and residential amenity.
- 5.2 In order to fully assess matters of biodiversity an ecological survey was requested.

6.0 PLANNING POLICY:

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 D2 – Land with no notation
BE1 – Design Principles
BE2 – Quality of design
BE12 – Space about buildings
T10 – Highway Safety
T19 – Parking standards
G6 – Land contamination
H1 – Housing needs of the district
R9 - Allotments

Supplementary Planning Guidance / Documents:

- 6.3 None relevant

National Planning Guidance:

- 6.4 Chapter 6 - Delivering a wide choice of high quality homes
Chapter 7 - Requiring good design
Chapter 8 - Promoting healthy communities
Chapter 11 - Conserving and enhancing the natural environment

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

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been readvertised as a departure after initial advertising for the minimum period and any comments will be reported in the update to Members this will expire on the 11th April 2017. The original Neighbour Notifications expired 16th August 2016 and site notice expired 16th September 2016 resulted in the submission of 3 representations summarised as follows:

7.2 2 representations have been received. A summary of the comments received are set out below:

7.3 Questions have been raised regarding space to the boundaries, private or council houses, boundary treatment and house types.

7.4 Spen Valley Civic Society – supports the application as it is a sustainable location, design fits in. Appears to make most efficient use of site

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management: No objections

Yorkshire Water: No objections

8.2 Non-statutory:

KC Environmental Health: No objections subject to conditions regarding land contamination, noise and vehicle charge points

KC Flood Management & Drainage: No objections subject to conditions

K C Biodiversity Officer: No objections

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The main part of 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]”. The remaining northern section that accommodates the end of the row (Plot 5) is designated as Urban Green Space and as such considerations in relation to both designations are necessary.
- 10.2 Paragraph 14 of the NPPF introduces a presumption in favour of sustainable development. For decision taking, unless material considerations indicate otherwise, this means:
- *‘approving development proposals that accord with the development plan without delay; and*
 - *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *Specific policies in this Framework indicate development should be restricted.’*
- 10.3 A small part of the site to the northern boundary is designated as Urban Green Space (UGS). Policy D3 sets out the Council’s approach to land designated as (UGS). It states that permission will not be granted unless the proposed development is:
- (i) necessary for the continuation or enhancement of established uses or involves a change of use to alternative open land uses, or would result in a specific community benefit, and in all cases, will protect visual amenity, wildlife value and opportunities for sport and recreation, or (ii) includes alternative provision of UGS equivalent in both quantitative and qualitative terms to that which would be developed and be reasonably accessible to existing users.
- 10.4 The National Planning Policy Framework (‘the Framework’) sets out the Government’s planning policies and is a material consideration in planning decisions. The Framework does not change the statutory status of the development plan for decision making. Importantly, however, the Framework advises at Paragraph 215 that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

- 10.5 Within the adopted UDP, the appeal site is designated as part of a larger area of UGS, where Policy D3 applies. In this respect, a residential scheme, as proposed, would not accord with Policy D3 of the UDP. However, the Council is unable to demonstrate a deliverable five year supply of housing, as required by the Framework. In such circumstances, Paragraph 49 of the Framework is engaged and the relevant policies for housing supply should not be considered up-to-date.
- 10.6 Paragraph 49 also records that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the Framework is clear that where the development plan is absent, silent or out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.7 As the part of the site designated as UGS is not intrinsically linked to the wider area and development of it would not harm the quality or function of the wider area it is considered on balance, acceptable. This very small encroachment into the UGS would not adversely affect the function of the wider allocation. Although this represents a Departure from the Development Plan other material considerations outweigh the harm in this instance. Furthermore the provision of housing in this sustainable location would make a small contribution to the existing shortfall.
- 10.8 It should be noted that, whilst the site is overgrown and offers no recreational benefit, the last known use of the site as a whole was allotments. As such Policy R9 is relevant and states that:
- “proposals involving development on allotments, or land las used as allotments, will not be permitted unless replacement allotments of equivalent community benefit are provided or it can be demonstrated that there is no unsatisfied local demand for allotments”*
- 10.9 There is little evidence, on site, of any of part of the application site being utilised as an allotment and aerial photographs would suggest that any use ceased in excess of around 13 years. The land is not a statutory allotment nor is any part of it owned by Kirklees. However, this is irrelevant for the purposes of applying Policy R9. Having spoken with the Allotments Manager it is understood that there is a demand for allotment space within the area and most have waiting lists for them. That said the over two thirds of the site has benefitted from planning permission for residential development in the past and this has to be taken into account in the determination of this application. The remaining third which remains allocated as UGS is intrinsically linked to the southern part of the site and detached from the wider areas of UGS. Its appearance is overgrown and unkempt and as such offers negligible opportunity for use as allotments in the future. The benefit that the site would provide in terms of housing is considered, in Officers view, to outweigh the retention for any allotment purpose as such the development proposed is considered to be acceptable.

Urban Design consideration

- 10.10 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design.
- 10.11 The application site is a redundant area of land that is inaccessible for any recreational purposes. The area has an overgrown and unkempt appearance and therefore, in the opinion of officers, currently detracts from the character and appearance of the area. The development of the site would contribute more positively to the area by improving the general character in addition to replacing the land with five dwellings.
- 10.12 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. The nature of existing residential development that surrounds the site is mixed in character, with no single style or design of property taking precedent in the area. The dwellings to the east are large in terms of footprint and height.
- 10.13 The previously approved scheme was for a row of four 3 storey terraced properties that followed a similar layout to the dwellings. This scheme adds a dwelling which results in extension into the UGS area. The development would be similar in terms of density and scale to existing surrounding development thereby improving the contribution that the development makes in terms of design.
- 10.14 The layout has been designed taking into account both existing occupants surrounding the site and also the future occupants of the dwellings proposed. The orientation of the row is partly as a result of this and improving the outlook of the proposed dwellings as well as limiting impact on nearby occupants. The materials proposed are stone and render and whilst there is limited render used in the area
- 10.15 Taking into account the site topography and restrictions, in addition to the negative impact that the site currently has, it is considered, on balance, that the development proposed is acceptable from a visual amenity perspective and is in accordance with Policies BE1, BE2 and D2 of the UDP as well as the aims of chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.16 In assessing the impact of the development on both dwellings externally surrounding the site and the dwelling proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room

windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.

- 10.17 The layout of the development proposed responds well to the pattern of existing buildings in addition to meeting relevant spaces between dwellings both those proposed and those in situ. A revised plan was submitted to address concerns regarding the potential loss of privacy to the residents of numbers 61/63 Union Road which are located opposite Plots 1 and 2. The revised plan reconfigures the internal spaces to avoid any issues of overlooking or loss of amenity. Whilst amenity space for Plots 1 and 5 is substantial the area provided for Plots 2-4 is considered adequate but this reflects the predominant character and high density of properties in the immediate vicinity. As such it is considered that an acceptable standard of amenity space would be provided for the future occupants of the development thereby according with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP.
- 10.18 As such, it is considered by officers, that the development would not result in any material harm to the amenity of nearby residents and an acceptable standard of amenity would be provided for the future occupants of the development thereby according with Policy D2 of the UDP as well as the aims of policy BE12 of the UDP in terms of residential amenity.

Landscape issues

- 10.19 To address concerns regarding ecological mitigation further details are required with regards to landscaping. A condition is imposed in order address such matters and ensure adequate and appropriate landscaping of the site. As such the development would ensure the overall scheme contributes positively to visual amenity and also provides opportunities for wildlife.

Housing issues

- 10.20 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

- 10.21 This is an application for the erection of 5 dwellings on land off James Street, Liversedge. The site has a frontage onto James Street which has no footway on the application side of the street. James Street itself is a short cul-de-sac for vehicular access and is adopted highway. The site itself rises steeply from street level and is currently overgrown.
- 10.22 Access, parking provision, layout which includes service vehicle turning head on James Street are considered acceptable from a highways point of view.

Drainage issues

- 10.23 The plans submitted show 5 soakaways on site, however it is not clear if these exist or are proposed soakaways. No further information has been submitted regarding the existing and proposed drainage for the site or surface water discharge rates. As such further investigations and information is required in respect of matters of drainage. Following discussions with the agent and with officers in Strategic Drainage it is considered that a condition would be acceptable and details to be submitted subsequent to any approval.

As such the proposals are considered to be in accordance with Chapter 10 of the National Planning Policy Framework.

Representations not covered above

- 10.24 The representations received relate to questions regarding aspects of the development rather than objections to the scheme. In so far as the points are not addressed in the main report they are answered below:
- 10.25 Space to the boundaries
Response: The layout proposed has been assessed to ensure that there will be no detrimental impact on any nearby occupant. The upper floor of the dwellings proposed were revised to ensure they meet Policy BE12 regarding space about buildings.
- 10.26 Private or council houses,
Response: It is understood that the dwellings are to be privately sold/owned. There is no requirement for the provision of affordable housing as the site does not exceed 10 dwellings.
- 10.27 Boundary treatment
Response: The boundary treatment is 1.8 metre boarded fence.
- 10.28 House/Bungalows.
Response: The house types are shown as 2.5 storey town houses.

Other Matters

- 10.29 *Ecology & biodiversity*
- 10.30 The site is previously undeveloped and currently overgrown and as such its ecological merits have been assessed. An additional report has been submitted to address the Council's concerns regarding the development of the site. The revised report acknowledges that the site includes an area designated at the Kirklees Wildlife Habitat Network, and makes recommendations to retain the function of the network. These recommendations should be included in a landscape scheme and maintenance schedule for the site. The landscaping proposals are important for mitigating any ecological impacts and whilst it would be reasonable in light of the history of decisions on the site it is considered pragmatic to condition.

The landscape scheme should incorporate all of the recommendations contained in section 7 of the submitted ecological report, with particular attention paid to the retention of trees, hedgerow planting, installation of habitat boxes, measures to permit the movement of hedgehog (hedgehog friendly gravel boards, or 150 mm pipe through walls at ground level) and use of Grasscrete or similar for parking areas.

10.31 *Land contamination*

Part of the proposed development site is shown as being potentially contaminated from its former use. The end user is one which is sensitive to contaminated land and as a consequence it is considered necessary to impose conditions in respect of site investigation and potential remediation.

Air Quality

10.32 The application has been assessed in accordance with the *Air Quality & Emissions Technical Planning Guidance* from the West Yorkshire Low Emissions Strategy Group (WYLES). In an application of this nature it is expected that facilities for charging plug-in and other ultra-low emission vehicles is provided.

Noise

10.33 The proposed development is in the vicinity of existing industrial premises that operate 24 hour a day and which have, in the past, been the subject of complaints about noise particularly during the night. In order to ensure the amenity of future occupants is protected it is considered necessary to require the applicant to make an assessment of the noise in the area and determine what noise mitigation measures are necessary. A condition is therefore imposed that will ensure the development is in accordance with Policy EP4 of the Kirklees Unitary Development Plan.

11.0 CONCLUSION

11.1 The erection of a row of 5 dwellings within the site is considered acceptable and whilst would represent a departure from the plan would be beneficial in terms of providing and locating development in a sustainable location. It is not considered that there would be any loss in terms of any visual and ecological impacts.

11.2 It is the opinion of officers that there would be no significant adverse impact in terms of visual or residential. 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.

11.3 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)

1. 3 year Time limit
2. Plans & specifications in accordance
3. Site clearance
4. Lighting design strategy
5. Parking areas to be surfaced and drained
6. Turning head to be hardened and drained surface
7. 2 metre footway to be constructed along the James Street development frontage
8. Construction method statement
9. Cycle storage facilities
10. Phase I preliminary risk assessment
11. Phase II site investigation
12. Submission of remediation strategy
13. Implementation of the remediation strategy
14. Submission of validation report
15. Electric vehicle charging points
16. Noise report and mitigation measures
17. Ecology mitigation and enhancement plan and implementation programme

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92154>

Certificate of Ownership –Certificate A signed by the agent 27th June 2016