

---

**Report of the Head of Development Management**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 06-Apr-2017**

**Subject: Planning Application 2015/90435 Erection of 14 dwellings with integral garages Former Parkham Foods Site, 395, Halifax Road, Liversedge, WF15 8DU**

**APPLICANT**

Swift Property  
Management &  
Consultancy

**DATE VALID**

05-Nov-2015

**TARGET DATE**

04-Feb-2016

**EXTENSION EXPIRY DATE**

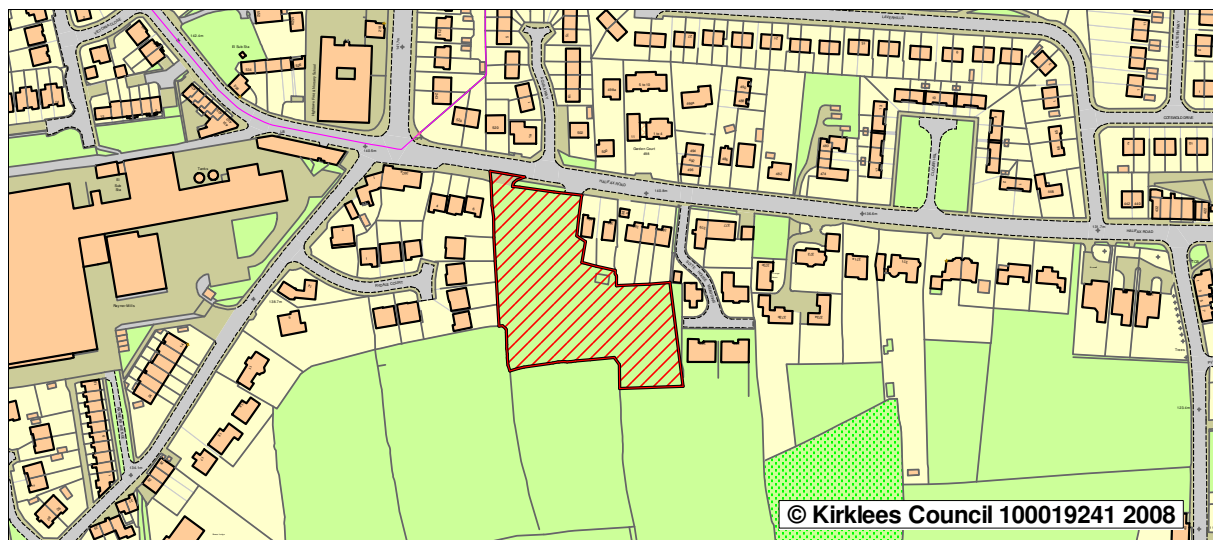
14-Apr-2017

---

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

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

**LOCATION PLAN**



**Map not to scale – for identification purposes only**

---

**Electoral Wards Affected: Liversedge and Gomersal**

No

Ward Members consulted  
(referred to in report)

---

**RECOMMENDATION:**

**REFUSAL**

**1. The application has failed to demonstrate an adequate level of affordable housing provision, public open space to serve the development, and a contribution towards Metro Cards. As such to approve the application would be contrary to Policies H10 and H18 of the Kirklees Unitary Development Plan, the guidance within the Kirklees Interim Affordable Housing Policy, and chapter 4 of the National Planning Policy Framework.**

**1.0 INTRODUCTION:**

- 1.1 The application is referred to the Heavy Woollen Planning Sub-Committee because the proposal is for residential development on a site exceeding 0.5 hectares in area. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The principle of housing development is considered to represent sustainable development on this brownfield site. The proposal would not have a detrimental impact on highway safety or on residential amenity. Drainage and landscape matters can be satisfactorily addressed via condition.
- 1.3 The development triggers contributions towards public open space, affordable housing, and metro cards. The applicant has submitted a viability appraisal in support of the application which states that the development cannot sustain any Section 106 contributions. The appraisal has been independently assessed on behalf of the Council. The conclusion of the assessment is that the development can provide one affordable unit on site, (or a lump-sum contribution of £204,207), a Public Open Space Contribution of £32,000, and a Metro Card contribution of £6,660. The applicant has confirmed that they are unwilling to provide these contributions and on these grounds, the recommendation is for refusal.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises 0.675 ha of land located off Halifax Road at Liversedge. The site was previously occupied by Parkham Foods but has since been cleared. The site is currently accessed from Halifax Road, and comprises two hardstanding plateau areas connected by a surfaced track along the western boundary. The site is bounded by Halifax Road to the north, by neighbouring residential development to the east and west and by undeveloped Green Belt land to the south. The surrounding area is of mixed use and the site is unallocated on the Kirklees Unitary Development Plan Proposals Map.

## **3.0 PROPOSAL:**

- 3.1 The application seeks permission for the erection of fourteen detached dwellings. The proposed layout illustrates plot nos. 1-5 (house type B) would be located in the western portion of the site, plot nos. 6-12 (house types C, E and D) would be located in the southern portion of the site, and plot nos. 13 and 14 (house type A) would be located in the eastern portion of the site, and to the rear of properties off Halifax Road. The proposed dwellings would be two storey in height and would be constructed of regular coursed natural stone and artificial stone slate.
- 3.2 The development would be served by a single vehicular access off the A649 Halifax Road in the north eastern corner of the site. The scheme would provide an adoptable estate road, with off-street parking to serve each property.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2016/92092 – Change of use from food hygiene lab / offices to Day Care Nursery and After School – Conditional Full Permission
- 2007/90730 – Erection of 44 apartments (4 Blocks of 9 and 1 block of 8) – Withdrawn
- 2006/93201 – Old Packham Foods Site, Halifax Road, Liversedge – Invalid
- 2004/92837 – Outline application for erection of residential development – Conditional Outline Permission
- 2004/91665 – Erection of Bund, Shelter and Effluent Treatment System
- 97/92375 – Erection of extensions to factory and offices – Conditional Full Permission

## **5.0 HISTORY OF NEGOTIATIONS:**

5.1 Officers negotiated with the applicant to secure:

- The submission of a viability appraisal
- The submission of a drainage scheme and updated plans to incorporate the new drainage easement

## **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 site is unallocated on the UDP proposals map.

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

- **D2** – Unallocated Land
- **BE1** – Design principles
- **BE2** – Quality of design
- **BE12** – Space about buildings
- **BE23** – Crime prevention
- **T10** – Highway Safety
- **H10** – Affordable housing
- **H12** – Arrangements for securing affordable housing
- **H18** – Provision of public open space
- **EP4** – Noise sensitive development
- **G6** – Land contamination
- **EP11** – Ecological landscaping

6.3 Supplementary Planning Guidance / Documents:

Affordable Housing SPD2  
Kirklees Council Interim Affordable Housing Policy

#### 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 Two representations have been received. A summary of the comments received is set out below:

- The proposal would make a nice community
- Residents should be informed of the right address

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

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

**K.C Highways Development Management** – The proposals are considered acceptable from a highways point of view, subject to minor changes. Conditions are recommended.

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

- **K.C Environmental Services** – Conditions relating to noise and contaminated land are suggested.
- **K.C Ecologist** – A condition relating to the submission of details for compensation and enhancement measures is suggested. A footnote relating to the timing of vegetation clearance is also recommended.
- **K.C Flood Management** – Conditions relating to the submission of drainage details and overland flood routing is suggested.
- **Yorkshire Water** – Confirmed no objection in principle to the proposed separate systems of drainage on site and off site, and to the proposed point of discharge of foul water to the respective public sewer.
- **The Coal Authority** – The Coal Authority concurs with the recommendations of the submitted Desk Study Report. There are no objections subject to the imposition of suggested conditions.
- **K.C. Regeneration** – No comments made.

## 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 site is a brownfield site which has no specific allocation on the Unitary Development Plan Proposals Map. Policy D2 of the Unitary Development Plan (UDP) states “planning permission for the development (including change of use) of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. The relevant considerations are addressed later in this assessment. Subject to these not being prejudiced the proposal would be acceptable in principle in relation to policy D2. It is also necessary to assess the loss of the site for business use, in accordance with policy B4 of the UDP as well as chapter 1 of the NPPF.
- 10.2 The site was previously occupied by Parkham Foods but has been since cleared. The principle of residential development on this site was previously established in 2004, following the granting of planning application reference 2004/92837.
- 10.3 Furthermore, the Council cannot currently demonstrate five year supply of deliverable housing land. Consequently planning applications for housing are required to be determined on the basis of the guidance in NPPF paragraph 14. The NPPF states that the purpose of the planning system “is to contribute to the achievement of sustainable development” (para 6). NPPF notes that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in peoples’ quality of life (para 9). NPPF identifies the dimensions of sustainable development as economic, social and environmental roles (para 7). It states that these roles are mutually dependent and should not be undertaken in isolation. “Economic, social and environmental gains should be sought jointly and simultaneously through the planning system” (para 8). NPPF stresses the presumption in favour of sustainable development.
- 10.4 A proposal for fourteen dwellings provides economic gains by providing business opportunities for contractors and local suppliers. In accordance with the NPPF, new houses will support growth and satisfy housing needs thereby contribute to the building of a strong economy. There would be social gain

through the provision of new housing at a time of general shortage. National policy encourages the use of brownfield land for development and the site is located within a sustainable location in proximity to the local centre of Liversedge. The principle of housing development is considered to be acceptable, in accordance with the aims of the NPPF.

#### Urban Design issues

- 10.5 The nature of surrounding residential development (which is to the north, east and west of the site) is mixed in character, with some detached and semi-detached dwellings present.
- 10.6 Paragraph 58 of the NPPF states that planning policies and decisions should ensure developments, *“respond to local character and history, and reflect the identity of local surroundings and materials”*
- 10.7 The proposed development would comprise of 14 detached dwellings which would add to the existing mix of house types in the vicinity, which, as previously set out, includes terraced and detached dwellings. Furthermore, the design and appearance of the proposed dwellings would reflect the general character of the wider area.
- 10.8 The two storey scale of the houses proposed is considered acceptable in the context of surrounding development, which is largely two storey. The density of the development is considered to result in an acceptable layout from a visual perspective. Slight variations in the building line are provided within the layout, along with some dwellings being orientated at 90 degrees to the majority of others. This ensures that the proposal is not too linear as this can often lack visual interest. The site layout also ensures a good degree of natural surveillance throughout the site.
- 10.9 With respect to design, the proposed house types are all considered acceptable in respect of fenestration and proportions. The proposed materials for the dwellings are regular coursed natural stone and artificial stone slate which would be in keeping with neighbouring properties and preserve the visual amenity of the site.
- 10.10 To summarise, it is considered by officers that the proposed development is acceptable in relation to visual amenity and the proposals accord with Policies BE1, BE2 and D2 of the Kirklees UDP, as well as the aims of chapters 6 and 7 of the NPPF.

#### Residential Amenity

- 10.11 UDP policy BE12 recommends that new dwellings should be designed to provide privacy and open space for their future occupants and physical separation from adjacent property and land. UDP policy BE12 recommends minimum acceptable distances. The nearest neighbouring properties to the site are nos. 6-10 Rydale Court to the west, nos. 381 to 393 Halifax Road to the north, and nos. 377b and 377c Scite House Meadows to the east.

10.12 In respect of the impact on nos. 6-10 Rydale Court the following apply:

- A distance of 20 metres from the rear elevation of plots 1 and 2 to the blank gable of No.6 Rydale Court.
- A distance of over 21 metres from the rear of Plots 3-5 to nos.7-9 Rydale Court where there would be directly facing habitable room windows.
- A distance of 19 metres from the link building of Plot 6 to no.10 Rydale Court. There are habitable room windows proposed in the link building between the garage and the dwelling (the dwelling being set back from the rear of No.10). These are however at ground floor level and can be adequately screened by appropriate boundary treatment.

10.13 In respect of the impact on nos. 381 to 393 Halifax Road the following apply:

- A distance of between 14 and 16 metres from the blank side elevation of plot No.14 to nos. 391 and 393
- A distance of over 21 metres from Plot 13 to the rear of nos. 381-385 Halifax Road.

10.14 In respect of the impact on nos. 377b and 377c Scite House Meadows the following apply:

- A distance of 12 metres between the rear of plot 13 and the side elevation of no.377a.
- A distance of 1.5 metres from Plot 15 to the boundary and a distance of 4 metres to the side elevation of no.377b.

10.15 The proposal would generally achieve the recommended distances set out in Policy BE12 of the UDP. Where they fall short, it is the opinion of officers that the impact can be mitigated by adequate screening. It is considered there would not be a detrimental impact on the amenity of neighbouring occupants.

10.16 In respect of future occupiers of the site, K.C. Environmental Services note that plot 1 located adjacent to Halifax Road is likely to be affected by road traffic noise to bedrooms and gardens. This could be addressed by imposing a condition setting out that the developer submits either an appropriate noise survey or provides standard thermal double glazing and ventilation to the bedrooms of Plot 1. The inclusion of such a condition would ensure that the proposal would accord with the aims of policy EP4 of the UDP and chapter 11 of the NPPF.

10.17 To summarise, it is the view of officers that, with the inclusion of appropriate conditions, the proposals would be acceptable from a residential amenity perspective, complying with the aims of policies D2, BE1, BE2, BE12, and EP4 of the UDP as well as chapters 7 and 11 of the NPPF.



### Landscape issues

- 10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The application is supported by a Bat Survey.
- 10.19 The Council's Ecologist notes the survey has established that none of the features on site is of significant ecological interest and the surrounding trees do not have any bat roost potential. It is advised that vegetation clearance be undertaken outside of the bird breeding season, and compensation measures be included. These are to include a landscaping scheme based upon the use of native tree and shrub species, an appropriate number of bat and bird boxes, and fencing to allow free movement of hedgehogs.
- 10.20 Subject to the inclusion of appropriate conditions, ecological issues are considered to be addressed and the proposal would accord with the aims of policy EP11 of the UDP as well as chapter 11 of the NPPF.

### Highway issues

- 10.21 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The development would be served by a single access point into the A649 Halifax Road on the opposite side of Halifax Road from Aquila Way which is a cul-de-sac serving 18 properties.
- 10.22 The A649 Halifax Road is a classified road and bus route with a 30 mph speed limit along this stretch which connects the A62 at Liversedge with Hipperholme. The junction with Hare Park Road and Hightown Road is located approximately 90 metres to the west of the proposed access. Hightown First and Junior School is located at the junction with Hightown Road where there are school "keep clear" markings and a pedestrian light control crossing. There is a speed camera located just past the western boundary of the application site.
- 10.23 Sight lines onto Halifax Road are good in both directions and the proposal provides sufficient off-street parking including visitor parking and internal refuse vehicle turning. Highways DM raise no objections, subject to the inclusion of appropriate conditions. These include a scheme for the proposed internal adoptable estate road and closure of the existing access. Two minor adjustments have been requested to the layout. Plot 12 is over 50 metres from the adoptable highway, and the length of the private driveway serving plots 9 to 13 should be reduced by extending the length of the proposed adoptable turning head. This would allow the layout to comply with Manual for Streets requirements for emergency vehicle access. A vehicle access for a pump appliance should be within 45 m of a single family house. Furthermore, bin collections points should be provided for all plots. The proposed driveway serving plots 9 to 13 results in waste carry distances over the maximum recommended within Manual for Streets of 30 metres and a communal bin collection point will be needed for these plots located close to the start of the private driveway. Amended Plans have been received and Highways Development Management has been re-consulted. Any further comments received shall be reported to Members in the update.

10.24 With the inclusion of appropriate conditions, the proposal would have no detrimental impact on highway safety and would accord with the aims of policies D2 and T10 of the UDP.

#### Drainage issues

10.25 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including flood risk assessments taking climate change into account and the application of the sequential approach.

10.26 A draft Drainage Strategy has been submitted. This shows the intention to drain surface water to Clough Beck, located approximately 130m to the south of the site. An existing drain from Scitehouse Meadows connects to Clough Beck and could be used as surface water outfall point. The developer will need to secure rights to construct surface water sewers to the outfall location by private agreement or Formal Sewer Requisition. It is proposed the foul water sewer would be adopted by Yorkshire Water.

10.27 Flood Management note the intention is to put the off-site existing sewers up for adoption and a letter has been provided showing that the owners do not object. Flood Management will not sanction a proposed 3 l/s constraint for the 1 in 30 year storm, rising to 5 l/s for the 1 in 100+ climate change, and as only crude sizing of the attenuation tank has been supplied, a condition is required for detailed design.

10.28 Indicative flood routing using a drainage easement has been shown, and a detailed design is required. It is advised that Permitted Development Rights are removed from properties to prevent building over or close to the estates drainage systems and preserve a safe overland route in extreme events or blockage scenarios. Flood Management raise no objections, subject to the inclusion of appropriate drainage conditions. These include a scheme detailing foul, surface water, and land drainage, and an assessment of the effects of a 1 in 100 year storm event.

10.29 Yorkshire Water has no objection in principle to the proposed separate systems of drainage on site and off site and the proposed point of discharge of foul water to the respective public sewer.

10.30 To summarise, subject to the inclusion of appropriate conditions, drainage issues are addressed and the proposal would accord with the aims of chapter 10 of the NPPF.

#### Representations

10.31 Two representations have been received. In so far as they have not been addressed above:

10.32 The proposal would make a nice community.

**Response:** The proposal is considered to represent a development which would be in a sustainable location, in close proximity to the centre of Liversedge.

10.33 Residents should be informed of the right address.

**Response:** The initial neighbour letters were sent out with the incorrect address. This was amended and the period of publicity was undertaken again. Officers are satisfied that no persons have been prejudiced by this error and that sufficient publicity has been carried out for this application.

#### Planning obligations

10.34 The development triggers the following contributions:

- Public open Space – In accordance with Policy H18 the development is required to provide public open space on site at a rate of 30 sq. metres per dwelling, in accordance with Policy H18 of the UDP. The policy compliant requirement would equate to 420 sq. metres on site, or a lump-sum off-site contribution of £37,950.
- Affordable Housing – In line with the Council's Interim Affordable Housing Policy, the application is required to provide a contribution of 20% of units. The policy compliant requirement would be three dwellings.
- Metro Cards – Metro recommend a Residential MetroCard Scheme A – Bus only. The cost is  $14 \times £475.75 = £6,600.50$ .

10.35 The applicant has submitted a viability appraisal in support of the application which states that the development cannot sustain any Section 106 contributions.

10.36 The appraisal has been independently assessed on behalf of the Council. The conclusion of the assessment is that the development can provide:-

- One affordable unit on site, or a lump-sum contribution of £204,207
- Public Open Space Contribution of £32,000
- Metro Card contribution of £6,660

10.37 The applicant has challenged the assessment and discussions have been ongoing for a number of months. No agreement has been reached, and it is concluded all matters and responses from the applicant have now been duly considered in detail.

10.38 It is the opinion of officers that, without the contributions set out in paragraph 10.36 above, the proposals cannot be supported and would be contrary to Policies H10 and H18 of the Kirklees Council Unitary Development Plan, the Kirklees Interim Affordable Housing Policy, and chapter 4 of the National Planning Policy Framework.

## Other Matters

- 10.39 The site is identified as potentially contaminated due to its previous use as a petrol filling station and factory. A phase I Report has been submitted but this is 8 years old and does not take into consideration any recent changes in guidance or any changes at the development site between the date of the report and the present time. A suite of contamination conditions will therefore be required to be submitted through condition.
- 10.40 The site also falls within the defined development high risk area where there are coal mining features and hazards which need to be considered. The Coal Authority concurs with the recommendations of the Desk Study Report that intrusive site investigations should be undertaken prior to commencement of the development. There are no objections to development subject to the imposition of appropriate conditions.
- 10.41 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..” For this development it is appropriate to secure electric vehicle charge points within the curtilage of each dwelling to encourage the use of ultra-low emission vehicles. This can be addressed by condition.

## **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. This application has been assessed against relevant policies in the development plan and other material considerations.
- 11.2 The proposal has the potential to constitute sustainable development. The applicant has submitted a viability appraisal which has been independently assessed. It is concluded that the scheme is capable of sustaining a level of contribution, which is less than what is required by planning policy. However, the applicant is unwilling to agree to make that contribution and for this reason the application is recommended for refusal.

## **12.0 Reason for Refusal**

- 12.1 The application has failed to demonstrate an adequate level of affordable housing provision, public open space to serve the development, and a contribution towards Metro Cards. As such, to approve the application would be contrary to Policies H10 and H18 of the Kirklees Unitary Development Plan, the guidance contained within the Kirklees Interim Affordable Housing Policy, and chapter 4 of the National Planning Policy Framework.

**Background Papers:**

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90435>

Certificate of Ownership –Certificate A signed and dated 13 February 2015