
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 17-Aug-2017

Subject: Planning Application 2017/90661 Erection of 14 dwellings Westfield Assessment Centre, 13, Westfields Road, Mirfield, WF14 9PW

APPLICANT

Stuart Daniel, Riva
Homes

DATE VALID

27-Feb-2017

TARGET DATE

29-May-2017

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: Mirfield

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

- **The provision of affordable housing two (2) units on site; and**
- **The provision and future maintenance of Open Space on site, and an off-site contribution of £44,000;**
- **Metro cards £6,876.10**

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 Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to the Heavy Woollen Planning Sub-Committee as the application is for residential development on a site in excess of 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The application was deferred from the Heavy Woollen Planning Sub-Committee on 29 June 2017 at the request of the applicant.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of 1.17ha in the grounds of the former Westfield Assessment Centre at Mirfield. The previous buildings within the site have been demolished. There is a central access road, and adjacent to the entrance to the site is a former gatehouse which has been converted into a dwelling. Within the wider site there are a number of mature trees which are protected by a Tree Preservation Order, with the nearest protected trees to the stone building being located along the north-eastern boundary. The surrounding area is predominately residential; the land to the north of the red line comprises the Orchard View Children's Centre and the access to the care home runs through the site.

3.0 PROPOSAL:

- 3.1 The application seeks planning permission for the erection of 14no. dwellings. The proposed dwellings would be sited either side of a central access road, culminating in a central courtyard area. The proposed layout includes a mix of detached, semi-detached and terraced dwellings with a mix of two storey and two storey with rooms in the roofspace.
- 3.2. Access is proposed to be taken off Westfield Road, and will comprise an extended cul-de-sac of a tarmac shared surface carriageway to be used by both vehicles and pedestrians. There is a turning head at the western end of the site. Also, off the proposed turning head, independent access would be provided to the serve the existing Westfield Centre.
- 3.3. Central to the site is located an area of open space (two areas, one each side of the road) containing a number of the protected trees. The line of TPO'd trees along the northern boundary of the sit, are retained, as part of the landscaping of the scheme.

4.0 RELEVANT PLANNING HISTORY:

2016/91486 Full application for erection of 22 no dwellings- Withdrawn

2014/92673 – Outline application for erection of 11 dwellings – Granted Under Reg.4 General Regulations

2014/92675 – Change of use of existing buildings to 2 apartments – Granted under Reg.4 General Regulations

2015/90633 – Change of use from B1 (a) Office to C3 residential and single storey rear extension – Conditional Full Permission

2015/91955 – Discharge of conditions 3 (external facing materials), 5 (Phase II Intrusive on previous permission

2016/90642 – Prior Notification for proposed demolition of building – Demolition Details Approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Pre-application discussions were held following the withdrawal of the previous application for 22 dwellings. Amended plans have been received addressing the proximity of a number of the dwellings to the protected trees. Also detailed highway comments have been addressed.
- 5.2. Given the numbers of units applied for the Council's Affordable Housing policy is applicable. The applicants have submitted a viability appraisal indicating that they believe the site is unviable with an affordable housing contribution.
- 5.3. This appraisal has been sent for independent assessment on behalf of the Council. (Details are included within the Assessment section of this report)

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 submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined 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 Policies 2007) remains the statutory Development Plan for Kirklees

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
NE9 – Retention of mature trees
T10 – Highway safety
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
G6 – Land contamination
H18 – Provision of open space
B4 – Change of use of land and buildings last used for business or industry
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 SPD2 Affordable Housing
Kirklees Council Interim policy on affordable housing

National Planning Guidance:

- 6.4 **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
- 6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

The site is unallocated on the draft local plan.

Policies:

PLP1 – Presumption in favour of sustainable development

PLP2 - Place shaping
PLP3 – Location of new development
PLP11 – Housing mix and affordable housing
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP28 – Drainage
PLP30 – Biodiversity and geodiversity
PLP33 – Trees
PLP53 – Contaminated and unstable land

7.0 PUBLIC/LOCAL RESPONSE:

7.1 One letter of representation has been received: The main points of concern are summarised as follows:-

- The scheme is an improvement upon the previous submission, but still objected to -
 - The use of a private road and gates is fraught with difficulties for future maintenance, likewise the maintenance of the open areas within the site is problematic;
 - No affordable housing is offered with the development. This is contrary to Council policy;
 - Any work in close proximity to the protected trees on this site needs very careful monitoring.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections recommend conditions in the event of approval.

The Coal Authority – No objections

K.C Flood Management – Support the application subject to the implementation in accordance with submitted Flood Risk Assessment. Recommend conditions.

8.2 Non-statutory:

K.C Environmental Services – No objections recommend conditions in the event of approval.

K.C Arboricultural Officer – Amended plans are considered acceptable, recommend conditions for protection during construction.

K.C Ecologist – No objections matters can be the subject of pre- conditions, in the event of approval.

Yorkshire Water - No objections recommend conditions in the event of an approval.

K.C Landscape - On site POS is acceptable location, future maintenance to be secured through a Section 106 Agreement. In addition an off-site contribution of £44,000 would be required.

Crime Prevention – No objections.

K.C Housing – There is a demonstrable need for affordable housing in this area, and this should be secured on site.

9.0 MAIN ISSUES

- Principle of development
- Impact on Amenity
- Highways Issues
- Drainage Issues
- Biodiversity
- Environment Issues (Remediation; Air Quality)
- Crime Prevention
- Representation
- Conclusion

10.0 APPRAISAL

General Principle:

- 10.1 The site (formerly the Westfield Assessment Centre,) is a brownfield site located in a predominantly residential area, and has the benefit of an Outline permission for 11 dwellings (2014/92673). As such the principle of residential development has already been established. The site is considered to be in a sustainable location, with good access to public transport and local facilities in the Mirfield Centre.
- 10.2 Given the scale of the development and the number of dwellings involved, the Council's policies on the provision of Public Open Space (POS) and Affordable Housing are relevant
- 10.3 The scheme contains a central area of POS situated around a number of mature protected trees, which is considered acceptable as passive open space. Also required is a financial contribution in lieu towards the improvement of existing play facilities within the area.
- 10.4 The Council's Interim Affordable Housing policy seeks the provision of 20% of units on new housing sites. As such a policy compliant provision would be 3 units in this instance. The applicants have submitted a viability appraisal with the application, indicating that they believe the scheme to be unviable with the level of affordable housing provision required.
- 10.5 This appraisal has been independently assessed at the expense of the applicant, and the Independent Assessor indicates that the scheme should be able to sustain two (2) affordable dwellings. As such, the provision of two (2 no.) affordable dwellings, as well as the Public Open Space (POS), and METRO card provision, will be recommended for inclusion within a Section 106 Agreement.

Impact on Amenity

- 10.6 The scheme comprises 14 no. dwellings in the form of a long cul de sac. The scheme delivers 14 dwellings at a density of just under 14 per ha. This is a relatively low density, but given the nature of the site, particularly the extent and number of protected trees, which have been retained, this is considered to be an appropriate and efficient use of the site. In addition the neighbouring dwellings are a mixture of house types, mainly detached with gardens, which is considered to be compatible with the proposed development
- 10.7 The proposed dwellings are two storey in height (some with rooms in the roofspace), but an appropriate scale; and the use of natural stone and slate is acceptable. In this case the vehicle entrance will be a feature with stone gateposts, which are effectively retained from the past use of the site.
- 10.8 The internal layout satisfies the Council's space about buildings policies (policy BE12 of the UDP), and the distances to the nearest dwellings on Westfield Court are well in excess of the recommended 21 m separation distance, and also the trees along that boundary are to be retained, affording an additional screening effect.
- 10.9 Taking the above into account, the scheme is considered to satisfy the aims of chapter 7 of the NPPF "Requiring good design", and there is no adverse effect upon both visual and residential amenity.

Highway issues

- 10.10 Each of the 14 dwellings will have a minimum of 3 off-street parking spaces. The applicants have demonstrated by means of vehicle swept paths that a large refuse vehicle can enter and turn within the site, and sight lines onto Westfield Road are good in both directions.
- 10.11. The access is taken off Westfield Avenue, via the existing access point to the former complex. The access, its width and available visibility splays are acceptable. The road comprises a shared surface for pedestrians and vehicles with adequate off street and visitor parking available for the numbers of dwellings. Also the internal turning for service vehicles is acceptable, and highways raise no objection to
- 10.12 Highways DM raise no objections subject to the inclusion of conditions for a scheme detailing the proposed internal estate road to include full sections, drainage works, street lighting, signing, surface finishes and the treatment of sight lines, together with an independent safety audit.

Drainage issues

- 10.13 The site is located within an area that is Flood Risk Zone 1, i.e. the area least likely to flood. However given the size of the site (i.e. in excess of 1.0 ha), a Flood Risk Assessment is required dealing with surface water.
- 10.14 An updated Flood Risk Assessment has been received with this application, which is supported by the Strategic Drainage Section, withdrawing previous objections. Likewise Yorkshire Water has no objections and recommend conditions.

- 10.15 Conditions are recommended to secure a separate gravity systems, the reduction of surface water run off rates from a former brownfield site, adequate attenuation, and safe flood routing, as well as a temporary drainage solution during construction.
- 10.16 It is considered that this scheme accords with the guidance contained in chapter 10 of the NPPF.

Environmental Issues

- 10.17 Environmental Services have reviewed the Phase I and Phase II Reports by Eastwood & Partners Consulting Engineers dated 26 May 2016 (ref: 39450). They agree with the recommendations in the Phase II and will require validation the 600mm capping layer has been implemented. They also require the lead outlier is addressed and the findings submitted once further investigation has been completed. They raise no objections subject to the submission of a Remediation Strategy and Validation report. Conditions are recommended to secure the above, in accordance with the aims of policy G6 of the UDP and chapter 8 of the NPPF.
- 10.18 With respect to Air Quality, in accordance with the guidance in chapter 8 of the NPPF and the West Yorkshire Low Emissions Strategy, it is proposed to condition the provision of electric charging points within the development.

Biodiversity Issues

- 10.19. The applicants have submitted an Ecological Impact Assessment report that is considered, by officers, to be of a high standard. A number of the trees have high potential to support bats and contain features with the potential to support roosts of high conservation value (maternity roosts).
- 10.20 The applicant has submitted an "Advanced Bat Mitigation Scheme", which has been amended and updated in accordance with the requirements of the Council's Ecologist, which is considered to be acceptable, but would need to be fully undertaken and implemented prior to any development commencing. As such is recommended this agreed Advanced Bat Mitigation Strategy be included within any decision as a pre-condition.
- 10.21 It is also recommended that a Landscape Scheme showing habitat creation and retention, together with a Landscape and Ecological Management Plan, be conditioned to ensure the future maintenance of sites biodiversity potential.
- 10.22 Subject to the addition of the above conditions, it is considered that the proposal satisfied the guidance contained in chapter 11 of the NPPF.

Crime Prevention

- 10.23 There has been no objection raised by the Police Architectural Liaison Officer. The layout is considered to afford good natural surveillance of the central area of open space, parking provision is within close proximity and sight of the dwellings it serves, and garden fencing is robust.

10.24 As such it is considered that the scheme accords with policy BE23 of the UDP, as well as the guidance contained in chapter 8 of the NPPF.

Representations

10.25 The comments raised in the one representation have been carefully considered and addressed in the main report above.

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 is considered to constitute sustainable development.

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

1. Standard time limit for commencement of development (3 years).
2. Development to be carried out in accordance with approved plans.
3. Environmental Health conditions – Contaminated land remediation, Air Quality (provision of electric charging points).
4. Sample of materials; walling, roof, external doors, windows and boundary treatments.
5. Tree protection/ method statement during construction.
6. Landscape Plan/ Biodiversity enhancement plan.
7. Landscape and Ecological Management Plan.
8. Advanced Bat Mitigation Scheme (pre-commencement condition).
9. Drainage conditions- Implement in accordance with submitted FRA - Temporary drainage scheme during construction.
10. Highway conditions - Visibility; road up to adoptable standards; provision / maintenance of parking.
11. Construction Management Plan.

Background Papers:

Application and history files:

[Link to the application details:-](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f90661>

Certificate of Ownership – Certificate A signed and dated 27 February 2017

[Link to application details for 2016/91486 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f91486>

[Link to application details for 2014/92673 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2014%2f92673>

[Link to application details for 2015/90633 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90633>

[Link to application details for 2015/91955 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f91955>

[Link to application details for 2016/90642 –](#)

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f90642>