
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 07-Sep-2017

Subject: Planning Application 2017/92233 Outline application for erection of 34 no. dwellings Land at Abbey Road North, Shepley, Huddersfield, HD8 8DY

APPLICANT

Clipper Holding II
S.A.R.L., C/O Agent

DATE VALID

11-Jul-2017

TARGET DATE

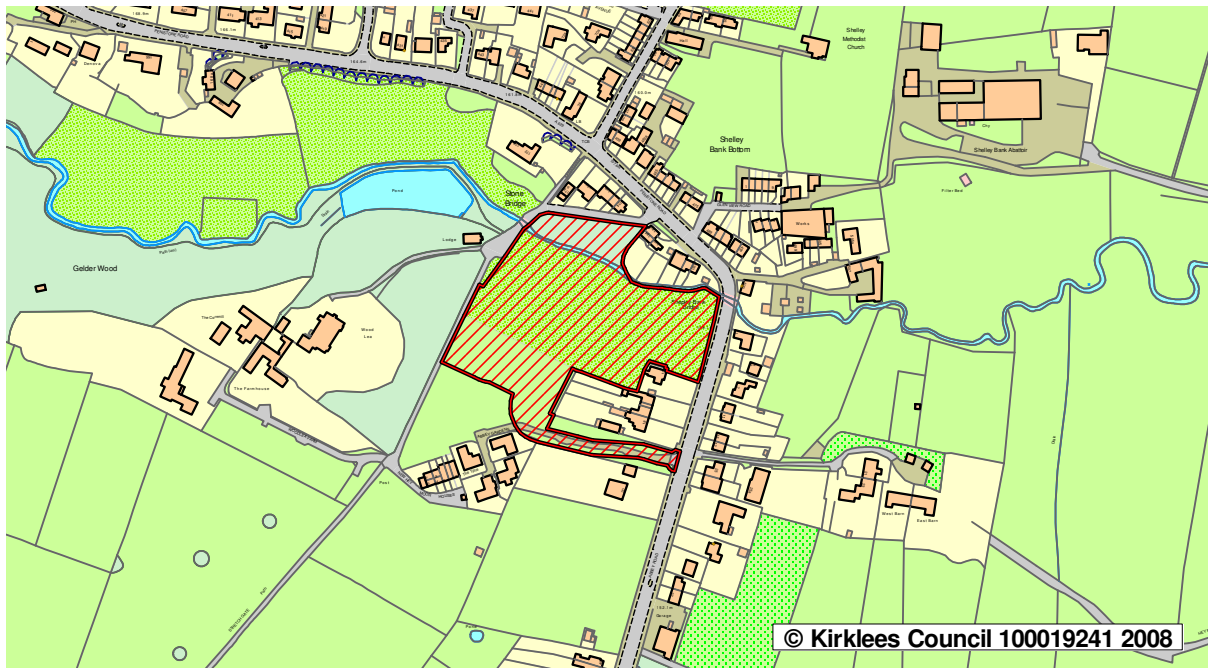
10-Oct-2017

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: Kirkburton

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:

- Affordable housing (7 units)
- Education Contribution £114,211.
- On site POS and subsequent maintenance this to include the provision of natural play features) in lieu of off-site play equipment.

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 site is brought to the Strategic Committee as it constitutes a departure from the Unitary Development Plan (ie the development is for housing on an employment allocation).

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprise an area of 4.29 ha, and is located on the corner of Penistone Road and Abbey Road North in Shepley. The site is largely greenfield, with shrubbery and a number of trees across the site.
- 2.2. The north of the site slopes down from Stretchgate to Shepley Dike, which runs across the northern part of the site. To the north of the site, along Penistone Road, are dwellings whose gardens back onto Shepley Dike. The east are dwellings on Abbey Road North that back onto the site, and in the SW corner a development of 7 new detached properties, which are in turn adjacent to New Hey Moor Houses (a group of back to back dwellings)
- 2.3. There is an existing vehicular access off Abbey Road North, that currently served the 7 detached dwellings in the SW corner of the site. This access is capable of being improved and widened to serve the entire site. To the west the site is flanked by Stretchgate, which extends towards the centre of the village.

- 2.4. The site is part of a larger business and industry allocation on the Unitary Development Plan (Allocation B4.2). The neighbouring 7 dwellings to the SW are also within this allocated area. The site is unallocated within the Emerging Local Plan.

3.0 PROPOSAL:

- 3.1 Outline approval is sought for the erection of residential development, access only is applied for. An indicative layout of 34 no dwellings is provided, which shows a mix of semi-detached and terraced properties, served off the existing vehicular access point from Abbey Road North. A pedestrian link from the site to Stretchgate is also proposed.
- 3.2. To the northern area of the site a large area of public open space is indicated, linking across from Abbey Road North, and across to Stretchgate. This area is adjacent to Shepley Dike.

4.0 RELEVANT PLANNING HISTORY:

4.1 2002/91944 – Erection of 12 flats, 38 residential units and 1 office unit. Granted conditional full permission with associated section 106 agreement.

2004/91362 – Erection of two storey office units for letting with associated car parking and hard and soft landscaping. Granted conditional full permission.

2005/94621 – Removal of condition 19 (improvements to Stretchgate) on permission 2002/91944

2008/90380 – Erection of 4 office blocks and associated infrastructure. Granted conditional full permission.

2012/90078 – Formation of new access road. Granted conditional full permission.

2014/90227 – Erection of 4 dwellings with associated access. Granted conditional full permission.

2014/92459 – Discharge of conditions 6 (boundary treatment), 7 (sightlines), 10 (remediation strategy), 13 (drainage) & 16 (landscaping) on previous permission 2014/90227. Conditions satisfied.

2015/91643 – Outline approval for 4 dwellings. Conditional outline permission

2016/9011 - Reserved matters approval pursuant to 2015/91643 for erection of 4 dwellings. Approval of reserved matters

2016/90007 – Discharge of conditions 9-12 & 15-20 on previous planning permission

2015/91643 Outline application for erection of 4 dwellings. Split decision.

2015/90956 Outline application for 3 no dwellings- Approved

5.0 HISTORY OF NEGOTIATIONS

- 5.1 The applicants have amended the access arrangements in accordance with the requests of the Highways Service, confirming the widths of the highway and footways necessary to serve the entire site.
- 5.2 The applicant has confirmed that the number of affordable housing units will be 7, as opposed to 6 which accords with the Councils Interim Affordable Housing policy

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:

- B1 – Employment needs of the district
- B2 – Land for business and industry(allocation B4.2)
- B4 – Change of use of land and buildings last used for business or industry
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space around buildings
- H10 – Affordable housing
- H18 – Provision of open space
- NE9 – Retention of mature trees
- G6 – Contaminated or unstable land.
- T10 – Highway safety
- T19 – Parking standards

Kirklees Local Plan

- PLP 1 Presumption in favour of sustainable development
- PLP 3 Location of new development
- PLP 7 Efficient and effective use of land and buildings
- PLP 8 Safeguarding employment land and premises
- PLP 11 Housing mix and affordable housing
- PLP 21 Highways safety and access
- PLP 22 Parking
- PLP 24 Design

- PLP 27 Flood Risk
- PLP 28 Drainage
- PLP 30 Bio diversity and geo diversity
- PLP 33 Trees
- PLP 47 Healthy and active lifestyles
- PLP 49 Education and healthcare needs
- PLP 53 Contaminated and unstable land
- PLP 63 New open space.

Other documents

SPD 2 Affordable Housing & Interim Affordable Housing Policy
 KMC Guidance on Education needs generated by new development
 West Yorkshire Low Emissions Strategy

National Planning Policy Framework:

- Core Strategy
- Chapter 1 – Building a strong, competitive economy
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring good design
- Chapter 8 – Promoting healthy communities
- Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 This application has been publicised by site notice and neighbour letter. To date 6 representations have been received, the main points being:

- The plan is a sensible solution to this site.
- Support the scheme subject to care being taken regarding the protected trees
- No objection to residential, but object to the density and style of housing indicated on the indicative layout. The density should be reduced to a similar density and style to those 7 dwellings in the SW corner of the site, in accordance with the guidance contained in part 7 of the NPPF “Requiring good design”.
- Detailed comments are made about being overlooked by certain plots, and the accuracy of the access drawing;
- Existing rights of way from a neighbouring dwelling need to be confirmed.
- The site needs proper drainage solutions, there are existing flooding problems on parts of the site.

7.2. Cllr John Taylor- Supportive of the scheme to build 34 dwellings. *Pleased that access from the site to Stretchgate has been incorporated, would ask for some contribution towards improving Stretchgate, in view of the linking role it plays to the village centre. A number of the affordable houses should be “starter homes”; Welcomes the open space provision, but would want safe access to it ie only from Stretchgate and not Abbey Road North.*

7.3 **Kirkburton Parish Council** –The Council welcomed this development, which will provide new public spaces, but would like to see more details on how they will be planted. It would like to see the development include some starter homes, and

ensure that access to the open space will be from Stretchgate , and not Abbey Road North

(NB. For information, there is no proposal to access the potential POS area from Abbey Road North as there is already approval for vehicular access to this site from Abbey Road North).

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Environment Agency- No objections, recommend conditions re finished floor levels; none of the residential development to be within Flood Zone 3 area; Flood refuge areas.

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

8.2 Non-statutory:

KC Highways -There are no wish to resist the granting pf permission recommend conditions.

KC Environmental Health -No objection recommend conditions regarding decontamination and remediation, and provision of electric charging points.

KC Strategic Drainage- Support the application in principle. Suggest conditions in the event of approval, and in the capacity of the Lead Local Flood Authority regarding surface water issues.

KC Trees- No objections in general. Whilst this is an indicative layout the relationship of 2 of the potential units (ie 27 and 28) relative to a protected tree, should be revisited in the event of a full application.

KC Conservation and Design- the application has been the subject of pre application advice. In general terms this indicative layout follows the advice given, without being a “ full application”. No objections.

KC Public Rights of Way- Welcome that link from the development to Stretchgate is a bridleway. Any additional use of Stretchgate mustn't jeopardise its use as a bridleway.

KC Strategic Housing -There is a demonstrable need for affordable housing within this area. The Councils Interim policy calls for 20% of units.

KC Education Service -An Education contribution is required in this case of this application.

KC Landscaping - The scheme provides in excess of the policy requirement in terms of site area, the majority of which is adjacent the Shepley Dike, and the associated flood zone 3. This is acceptable, and in this case the opportunity for “natural play” in this area is welcome. There is no requirement for on-site play equipment, but an off-site contribution in lieu is required.

Police Architectural Liaison Officer. No objections to the principle of this development. Any reserved matters submission will need to be considered in detail,

especially with regard to the neighbouring footpath (Stretchgate) and relationship to the large area of Public Open Space.

9.0 MAIN ISSUES

- Principle of development/Policy
- Urban design issues
- Highways Issues
- Flood Risk/Drainage issues
- Landscape/Trees issues
- Environmental Issues
- Bio diversity issues
- Representations
- Conclusion

10.0 APPRAISAL

Principle of development/Policy

- 10.1. The site lies within a larger area of land allocated for business and industry on the UDP proposals map (allocation B4.2 – Abbey Road, Shelley), Policies B1 and B2 are associated with such land allocations; Policy B1 seeks to meet the employment needs of the district and Policy B2 identifies site specific locations for that land use.
- 10.2 National planning policies and local circumstances are however also material planning considerations. In this instance the National Planning Policy Framework (paragraph 22) states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose, and where this is the case, applications for alternative uses of land or building should be treated on their own merits having regard to market conditions and the relative need for different land uses to support sustainable local communities.
- 10.3. The application seeks planning permission for residential development, which if approved would be a departure from the Council's UDP.
- 10.4. In relation to the wider site (allocation B4.2), the site has been allocated for business and industry since the UDP was adopted in March 1999. Since then there has been a limited degree of interest for business development on the southern extent of the allocation (planning approvals, reference: 2004/91362 and 2008/90380 – both for office units, neither of which have been developed). However, the majority of the wider site has been subject to residential interest with planning permission granted for residential developments and one office unit (planning approval references: 2002/91944, 2005/94621).
- 10.5. More significantly the adjacent site to the south was granted planning permission for 4 houses reference: 2014/90227 which is under construction and nearing completion, and at the application site there is a recently approved extant outline permission for 4 houses reference: 2015/91643 and an accompanying reserved matters approval reference: 2016/90011. As such there is an area comprising 7 detached dwellings in the SW of the Industrial business allocation, which are nearing completion(some actually occupied)

- 10.6 In view of the above, and given that the office units have not come forward, together with the lack of interest in developing the entire site for business and industry, it appears that the prospect of the whole site being used for that purpose is limited.
- 10.7. In these circumstances paragraph 22 of the NPPF advises that the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose should be avoided. Applications for alternative uses of land should be treated on their merits having regard to market conditions and the relative need for different land uses to support sustainable communities. As the Council is unable to demonstrate a 5 year housing land supply the merits of delivering housing should be afforded significant weight in determining this application.
- 10.8. The surrounding area is to a large extent residential in character and therefore further housing would appear to be appropriate and would not conflict with established surrounding uses. In light of the above and due to it being a relatively small part of the whole allocation site, there are no objections from a policy point of view.
- 10.9. The principle of housing on the site is therefore considered acceptable and in accordance with paragraph 22 of the NPPF and policy B1 of the UDP.
- 10.10. It should be noted that as the wider B2.4 allocation extends over 2 hectares of land if any further residential development schemes for this site come forward where the total number of dwellings including the 3 proposed currently in this application and the 4 already under construction exceed 10 dwelling, then it is likely the affordable housing policies of the Councils will come into play. This is to avoid piecemeal development.

Other relevant policies

- 10.11 Given the scale of the development, and the potential number of units involved, the Councils policies regarding Affordable Housing, Public Open Space and Education Contributions are all relevant:
1012. The Councils Interim Affordable Housing Policy requires the provision of 20% of units. The applicants have indicated on their indicative layout 7no units as affordable. This is in excess of the 20%, and in accordance with the Councils Interim Affordable Housing Policy.
- 10.13. A substantial area of Public Open Space is indicated within the scheme on the northern part of the site adjacent to the Shepley Dike. In terms of area, this substantially exceeds the requirements of Policy H18 in the UDP. There is no requirement for the provision of play equipment on this site, and there is substantial opportunity and benefits for natural play within this large area. An off-site sum in lieu of the play equipment will also be required.
- 10.14 In this case an Education Contribution of £114,211 is required towards the provision of primary and middle school education. This is to be split between Shepley first school and Kirkbirton Middle school.

10.15. The applicants have indicated that some of the plots could be considered as “self-build” plots. This is in accordance with the recent “Right to build “ initiative.

Urban Design issues

10.16. Whilst access only is applied for at this stage the indicative layout confirms that the site can be developed in an efficient manner, whilst respecting and incorporating the advantages and opportunities of the site (which are in this case, the extensive tree cover surrounding and within the site, and the proximity to the Shepley Dike and the access potential of Stretchgate.

10.17 The indicative layout comprises a density of over 20 per ha, on the developable area of the site, which is not considered to be inappropriate. There are a variety of houses around the site, including detached and semi-detached, as well as back to backs /terrace on New Hey Moorhouses. The detached dwellings in the SW corner are adjacent to the back to back houses, and it is considered they co-exist satisfactorily, and accordingly there is no basis to require at this stage a lower density, other than that currently indicated.

10.18 Given that this site is allocated for business and industry, it is considered that a comprehensive residential scheme, is more compatible and desirable in urban design terms with the surrounding area, than a Business Park.

10.20. The issues of appearance, scale and landscaping, will all be the subject of a future reserved a matters application.

Highways Issues

10.21 Access to this site is proposed from Abbey Road North. There is an existing access point, that currently serves the 7 detached properties in the SW corner of the site. This is currently only made up to a private drive standard, but is capable of being widened and improved to accommodate the comprehensive development of the balance of the business and employment allocation.

10.22. In 2012 approval for access to the site was granted (2012/90078), and this was to serve the entire site potentially for offices, business and industry. Whilst the type and nature of the traffic is different, it is considered that the access is more than satisfactory to accommodate an additional 34 dwellings.

10.23. Access only is applied for at this stage, however the pedestrian link out of the site onto Stretchgate is welcome, and improves pedestrian permeability across the site. There is no wish by Highways DM to resist this development.

Flood Risk / Drainage

10.24. The site is located partly within Flood Zone 1, and partly within Flood Zone 3. On the indicative layout the residential development is confined to the Flood Zone 1 area, with the balance of the site being open space ie within the Flood Zone 3 area.

- 10.25. Accordingly, given there is no development within Flood Zone 3, no sequential test is required. However given the size of the site a Flood Risk Assessment has been submitted covering the issue of surface water disposal.
- 10.26. No objections to the principle of development have been received from either the Environment Agency or the Councils Flood Management and Drainage Service (the Lead Authority on surface water) subject to conditions.

Landscape/Trees issues

- 10.27. The site is situated in the bend of the A629 Penistone Road/ Abbey Road North road sitting in the valley bottom adjacent the Shepley Dike. The area is also surrounded by Green Belt. The whole area is very green and profiled with trees, there being TPO's along the northern (adjacent Shepley Dike) and western edge of the site. The neighbouring Wood Lea and Gelder Wood form the whole backdrop to the site along the western side.
- 10.28 Accordingly the majority of the site is a very important feature within the local Landscape, and the retention of over half of the site for open space (within the flood zone) is appropriate, as is the retention and protection of the trees within the site, and which back onto the site to the west.
- 10.29 The area of the POS shown on the illustrative layout is far in excess of the requirements of policy H18, and it is considered that this represents a significant opportunity for the provision of " natural play". There is no requirement for the provision of play equipment on this site as the provision of such features as bunds and swales for natural play would be much more beneficial.
- 10.30. Whilst this is an illustrative layout there will need to be satisfactory distance and protection for the protected trees on and adjacent to the site, as well as the submission of any landscape scheme as part of the Reserved Matters.

Environmental Issues (Decontamination/ Remediation and Air Quality).

- 10.31. The site is capable of being remediated and made fit to receive the new Development (indeed part of the site already satisfactorily accommodates dwellings), and this issue can be dealt with by conditions.
- 10.32. In accordance with the West Yorkshire Low Emissions Strategy, and the guidance contained in part 10 of the NPPF, a condition is recommended requiring the provision of electric charging points for low emission vehicles throughout the site.

Biodiversity

- 10.33. The proposed development, includes a watercourse (Shepley Dike), is close to known records of roosting bats, and is located between two areas identified as part of the existing Kirklees Wildlife Habitat Network (though not actually within the KWHN). Watercourses are categorised as Habitats of Principle Importance.
- 10.34. An Ecological Habitat Survey Report has been submitted with the application, which has been carried out, which identifies the whole site, as being of high ecological value, due to the range of habitats. Of particular value are the

surrounding woodlands(mature trees on the north and west of the site), the watercourses, and the wetland/ marshy areas associated with the watercourse. The Survey recommends that these areas are excluded from any development area, and that any development in principle on the site, provide an opportunity for both mitigation of any ecological effects, as well as enhancement. It also recommends that the existing boundaries and boundary hedgerows be kept intact.

10.35. The illustrative layout, indicates a large natural open space area adjacent to the Shepley Beck, which contains the wetland / marshy areas, and the protected woodlands. This area is to be free from any development, as it is located within Flood Zone 3.

10.36. At this stage only access is proposed with an illustrative layout, however the principle of development on this site (that which is within Flood Zone 1,) has already been agreed with the sites allocation for employment, and the development for housing taking place in the SW corner. It is recommended that the Ecological Landscape Management Plan be conditioned on this site to ensure the biodiversity enhancement of this site. Also this Management Plan should be informed with additional survey work to confirm any necessary mitigation, will be incorporated within it. Also this plan should be completed, and agreed as part of any Reserved Matters, as there may be marginal impacts upon layout, at the edge of the developable area.

Representations

10.36. There have been a number of representations, on this scheme a good many of them positive. There are a number of objections which centre on the following issues.

i) Concern that the illustrative layout is over intensive development, out of character with the area, and contrary to guidance contained in the Councils own policies and part 7 of the NPPF” Requiring good design.

Response: The illustrative layout is not considered to be an excessive density, it represents a range of types of unit, all of which are present in close proximity to the site. The style and materials will be the subject of a reserved matters application. The comprehensive development of the balance of this allocation is welcomed, given the previous piecemeal approach, for the 2 permissions in the SW corner totalling 7 units. These units are large detached dwellings located immediately adjacent to a row of back to backs ie New Hey Moor Houses.

ii) There are existing drainage problems on this site, and any development must not make the situation worse.

Response: There is no development taking place within the Flood Zone 3, and no objections to the scheme are raised by both the Environment Agency and the Councils Drainage/ Flood Management Team(the Lead Authority relating to surface water matters.)

iii) Issues with particular sitings and potential overlooking, blockage of private rights of way.

Response: The layout indicated is only illustrative (it also actually respects the Councils space about buildings standards) and as such any formal siting will still need to be agreed at Reserved Matters stage, and this will be the subject of specific consultation with neighbours.

11.0 CONCLUSION

- 11.1 The site is allocated for business and industry on the Unitary Development Plan, and as such the residential use represents a departure. However the principle of a residential use on this site has been agreed previously, for the new dwellings being completed in the SW corner of the site.
- 11.2 It has been accepted that it is unlikely this site will come forward for the allocated employment use, and as such in accordance with the guidance contained in the NPPF, and alternative use should be considered. A residential use is considered an appropriate alternative in this location, which is flanked by dwellings, and is within a sustainable location relative to the centre of Shepley village.
- 11.3. The scheme delivers full contributions towards affordable housing, POS, and Education, each of which will, be secured through a Section 106 agreement.
- 11.4 Access to the site is acceptable, utilising and improving an already agreed access point off Abbey Road North. Whilst the internal layout is still to be applied for, the principle of a pedestrian link out of the site into Stretchgate is welcomed. Also the site is capable of being satisfactorily remediated and drained,(with the developable area, not extending into Flood Zone 3 next to the Shepley Dike).
- 11.5. 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 Strategic Investment)

- 1. Approval of details of the layout, appearance, landscaping, and scale (standard O/L condition)**
- 2. Plans and particulars of the reserved matters (standard O/L condition)**
- 3. Application for approval of the reserved matters (standard O/L condition)**
- 4. The timeframe for implementation of the development (Standard O/L condition)**
- 5. Highways conditions**

- 6. Drainage conditions(Temporary drainage solutions; overland flood Routing, surface water flow and attenuation.)**

- 7. Environmental Health conditions- decontamination/ remediation; electric charging points**
- 8. Landscape /Bio diversity Management Plan.**

Background Papers:

Application and history files.

Website link www.kirklees.gov.uk

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