
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 02-Nov-2017

Subject: Planning Application 2017/92743 Outline application for erection of 3 dwellings Land adj, Upper Blacup Farm, Upper Blacup, Halifax Road, Hightown, Liversedge, WF15 8HL

APPLICANT

S Turton

DATE VALID

07-Aug-2017

TARGET DATE

02-Oct-2017

EXTENSION EXPIRY DATE

06-Oct-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: Cleckheaton

No

Ward Members consulted
(referred to in report)

RECOMMENDATION: Refusal

1. The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map. It forms part of a wider area of natural and semi-natural greenspace which is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight. The proposed development is contrary to Policy D3 of the Unitary Development Plan and Policy PLP 61 of the Draft Publication Local Plan which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

2. The application has failed to demonstrate that the ecological impacts of development on the semi-natural habitats on the site are acceptable. To approve the application without this information would be contrary to policy EP11 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

1.0 INTRODUCTION:

1.1 The application seeks outline planning permission for the erection of 3 dwellings on Urban Green Space. The proposed development is contrary to Policy D3 of the Unitary Development Plan which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing. Furthermore, the application has failed to demonstrate the ecological impacts of development on the semi-natural habitats on the site.

2.0 SITE AND SURROUNDINGS:

2.1 The application site comprises part of an agricultural field located to the south-west of Upper Blacup Farm at Hightown, together with part of a smaller field which has been screened by a timber fence and is being used to house a caravan, to rear chickens and for miscellaneous storage purposes. The fields are adjacent to Halifax Road and the larger field sits below the level of the highway, which is retained by a stone boundary wall. Levels slope downwards to the north of the site. The application site is part of a wider area of Urban Green Space on the Kirklees Unitary Development Plan (UDP) proposals map.

3.0 PROPOSAL:

- 3.1 The application seeks outline planning permission for the erection of 3 dwellings. All matters are reserved for future approval.

An indicative layout plan has been submitted which shows a proposal for three detached dwellings, to be accessed off a shared access road. It is intended to utilise the existing vehicular access point off Halifax Road in the south-west corner of the field. In a supporting letter from the applicant dated 14th September, it is envisaged the dwellings would be constructed of cedar panels with flat green roofs.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2002/91473 – Outline application for erection of 1 dwelling – Refused
88/06482 – Outline application for residential development – Refused

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The applicant has submitted a supporting letter during the course of the application. The content of this letter is discussed in the assessment below.

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 Examination in Public began in October 2017. 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. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant 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:

6.2

- D3 – Urban Greenspace
- BE1 – Design principles
- BE2 – Quality of design
- BE12 – Space about buildings
- T10 – Highway safety
- EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.3

- PLP 21 – Highway Safety and Access
- PLP 24 – Design
- PLP 28 – Drainage
- PLP 30 – Biodiversity and geodiversity
- PLP 61 – Urban Green Space

National Planning Guidance:

6.4

- Achieving sustainable development;
- Part 6: Delivering a wide choice of high quality homes;
- Part 7: Requiring good design;
- Part 8: Promoting healthy communities;
- Part 10: Meeting the challenge of climate change, flooding and coastal change;
- Part 11: Conserving and enhancing the natural environment.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised by neighbour letter, site notice and press notice with the final publicity expiring 15th September 2017.

As a result of this publicity eight representations have been received including comments from the Spen Valley Civic Society. A summary of the concerns received is set out below:

Principle of Development

- This is green belt Land not for development. Previous plans were refused.
- The land falls under an area designated as green space and whilst this application is small it bites into and sets a precedent that will lead to a further erosion of this community amenity.
- If passed surely it means more houses could be built on the surrounding land.
- The land has "Green" Planning designation, not clear why residential development is being considered.

Highway Safety

- Halifax Road is a busy and fast road, further vehicles will add to the already congested area.
- Concerned about access onto the busy Halifax Road from the proposed service road. Parking on the pavements on Halifax Road is commonplace and this development would increase the problem with visitors to and residents of the new houses. Such parking, close to the access point onto Halifax Road, is inevitable and will restrict the view of oncoming traffic. This will increase the risk of road traffic accidents.
- Concerned how the access will impact on the access of existing properties on both sides of Halifax Road. Unless there are plans to restrict parking by double yellow lines there would be difficulties for surrounding property owners getting on to Halifax Road, at present there are cars parked on the roadside adjacent to the proposed access. The existing access is for one storage area, if there were three properties with a number of vehicles needing access concerned serious problems with sight lines in both directions.

- In the appeal pursuant to application Ref 2014/91694 the highways authority pointed out that the sightlines where the proposed access road meets Halifax Road, are restricted and the provision of hatching was not recommended as it would have reduced the width of a narrow carriageway. This would increase the risk of collisions. The road is used by large commercial vehicles, is a bus route and a main access route for ambulances going to Dewsbury Hospital.
- This part of Halifax Road is busy on a bad bend. There are multiple driveways, Lynfield drive and a busy bus route. Adding to this, three houses with potentially 6 cars entering the main highway would add chaos to the highway.

Other matters

- These houses would have a detrimental effect on views.
- Trees planted along the boundary edge will have a detrimental effect on views.
- There is permission already for many houses in this area that have yet to be constructed and which will place significant stress on local schools which are already at capacity. Added to this are further areas of land designated for house
- building under the Development Plan thus rendering the need to erode community green areas unnecessary.

Spen Valley Civic Society:

Spen Valley Civic Society objects to this application because the site is designated as Urban Green Space in both the UDP and the Local Plan. A recent appeal decision by the Planning Inspectorate (APP/Z4718/W/16/3162164) re an Urban Green Space site at White Lee Road Batley has upheld the importance of UGS as open green space for the benefit of the community even if the site does not have public access. Putting housing on this site would affect public amenity views of Cleckheaton and the Spen Valley from Halifax Road and provide a precedent for the development of the entire surrounding UGS-designated hillside.

Councillor Pinnock:

“The site is quite clearly in the Urban Greenspace allocation, and is not adjacent to any other buildings; it is not even adjacent to Upper Blacup Farm. A more correct address would be Halifax Road.

One of the questions on the application form asks if the site is currently vacant. The applicant has answered NO to this, when I think the answer should be YES”

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

- **K.C Highway Services** – No objections

8.2 Non-statutory:

- **K.C Environmental Services** – No objections
- **K.C Ecology** – A preliminary ecological appraisal is required

9.0 MAIN ISSUES

- Principle of development
- Highway Issues
- Visual Amenity
- Residential Amenity
- Ecological Issues
- Drainage Issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.
- 10.2 The application site forms a part of an extensive area of open land which is identified as Urban Greenspace (UGS) on the Kirklees Unitary Development Plan (UDP). Urban Greenspaces are defined in the Kirklees UDP as areas of open land within or immediately adjoining built up areas identified as being particularly valuable for amenity, recreation or wildlife. At the UDP Public Inquiry a 46 Ha swathe of Urban Greenspace (UGS) allocation was considered by the inspector. The UDP inspector concluded that the wider urban green space site *“is an extensive open tract of agricultural and grazing land and vacant overgrown areas, lying between the Hightown area of Liversedge and the Moorside area of Cleckheaton. It includes field hedges, tree groups and pockets of buildings mainly of agricultural origin. It forms an attractive feature, appreciated from many vantage points both within the built-up areas and along the public footpath network across the land, and plays a very significant and worthwhile role in providing relief from urbanisation. The area as a whole is of a visual quality meriting UGS designation”*.
- 10.3 The starting point for consideration is Policy D3 of the Unitary Development Plan, which is afforded significant weight given the degree of consistency between this policy and the NPPF in respect of paragraph 215. Policy D3 sets out at part (i) that on Urban Greenspace planning permission will not be granted unless the development is necessary for the continuation and enhancement of the established uses, or is a change of use to alternative open land uses, or would result in a specific community benefit (whilst protecting visual amenity, wildlife value and opportunities for sports and recreation). Or as part (ii), it includes an alternative provision of Urban Greenspace equivalent in both quantitative and qualitative terms to that which is being developed.
- 10.4 The proposal for 3 dwellings does not accord with UDP policy D3 as it is not necessary for the continuation or enhancement of established uses, it does not involve the change of use to an alternative open land use and it does not result in a specific community benefit under the provisions of UDP policy D3. As such, the proposal does not meet the first criterion of policy D3. In respect of the second criterion of policy D3 which refers to alternative provision, the

proposal for the appeal site does not propose alternative provision and would cause harm to visual amenity by impacting on the character and appearance of the Urban Greenspace. Therefore the proposal is contrary to the development plan for Kirklees, specifically in relation to UDP Policy D3.

10.5 The applicant has submitted a letter in support of the application. It states:

“We are aware that the land is designated as Urban Greenspace and where Policy D3 of the UDP applies. We have sought, where possible to find a outcome where planning could be granted on the land. In order to replace the space (as policy D3) which would be lost, in this case would approximately three quarters of an acre, in both quantitative and qualitative terms we would like to offer £45,000 in order for the Council replace the community facility loss once this development takes place”.

10.6 This statement does not provide any evidence that the proposal will result in a specific community benefit and the proposal fails to accord with policy D3 of the UDP.

10.7 Whilst acknowledging that the proposals for the site are contrary to the Kirklees development plan, it is important to consider other material considerations.

Publication Draft Local Plan

10.8 NPPF paragraph 73 recognises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of local communities. The site is part of a larger strategically important area of Urban Greenspace in the Publication Draft local Plan. The area of land has been assessed as part of a wider area of Natural and Semi-Natural Green Space in the Open Space Study 2015 (revised 2016). This natural and semi-natural greenspace has been assessed as having high value as open space. The natural and semi-natural greenspace is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight.

10.9 Policy PLP 61 of the Draft Publication Local Plan states development will not be permitted within urban green space unless the proposal meets the exception criteria. Exceptions include where it can be demonstrated that the open space is clearly no longer required to meet local needs, that the proposal will provide replacement provision of equivalent or better in size, quality and accessibility, or that it is for alternative open space, relates to the continuation or enhancement of the use of the site and maintains the quality and function of the green space, or that it would result in a substantial community benefit that clearly outweighs the harm resulting from the loss of the green space. The proposal does not meet any of the exceptions for development on land allocated as urban green space and fails to accord with Policy PLP 61.

Housing Land Supply

10.10 In assessing the sustainability of the proposal, the council has considered the presumption in favour of sustainable development in relation to social, economic and environmental factors. The social and economic benefits of the provision of 3 new dwellings are not considered to make a significant contribution in terms of the impact on the housing land supply. The planning judgement is that the adverse impacts of the loss of this Urban Greenspace site significantly and demonstrably outweigh the benefits when assessed against UDP Policy D3 and the NPPF as a whole and all other relevant material considerations. The Publication Draft Local Plan and associated evidence demonstrates that upon adoption there will be a five year supply of deliverable housing sites without the need to allocate the site for housing. The provision of 3 new dwellings would not have a significant impact on the current housing land supply position in the meantime.

Planning Balance

10.11 The planning judgement is that the adverse impacts of the loss of this Urban Greenspace site significantly and demonstrably outweigh the benefits when assessed against UDP Policy D3 and the NPPF as a whole and all other relevant material considerations.

Highway issues

10.12 Policy T10 of the Unitary Development Plan (UDP) sets out the matters against which new development will be assessed in terms of highway safety. The development proposes three dwellings of four or more bedrooms. Although off-street parking provision is included, it is not specified or dimensioned and there are no internal turning facilities shown on the submitted plan.

10.13 A number of concerns have been raised in the representations received about the impact of the proposed development on highway safety. These representations are précised in the representations section above.

10.14 This section of Halifax Road is a busy single carriageway A-road subject to a 30mph speed limit with a 1.8m footway on the same side as the proposed development. For this application to be considered acceptable Highway Services advise the development should have sufficient resident and visitor parking so as to meet the parking standards in the UDP and also to demonstrate that internal turning is achievable so as to be able to access and egress the site in a forward gear. Any retaining structures affecting the highway will require formal technical approval by the Council as the Highway Authority. Details of all proposed retaining features and underground storage facilities (including pipes) would be required.

10.15 There are no objections to the grant of outline permission with all matters reserved, however full details are required at reserved matters stage to include those matters referred to in the highways officer's response. It is important to clarify that the comments of the highways officer referring to possible future development and the necessity of having an adopted road are not applicable taking into account the urban green space allocation.

Visual Amenity

- 10.16 A full assessment of the layout, scale and appearance of the dwellings would be made upon the receipt of reserved matters. The indicative plan shows the development would comprise of three properties served by a private drive along the frontage of the site. In the supporting letter dated 14th September it states the dwellings will be constructed of cedar panels with flat green roofs. Such detailing would have to be assessed, however it is considered that there is scope to secure details which would not harm the character of the surroundings.

Residential Amenity

- 10.17 UDP Policy D2 requires the effect on residential amenity to be considered and policy BE12 sets out the normally recommended minimum distances between habitable and non-habitable room windows of existing and proposed dwellings. The nearest neighbouring properties which would be affected by the proposal are No.708 Halifax Road to the west of the site and properties opposite the site to the south off Halifax Road.
- 10.18 The plot in the western part of the site looks to be sited in close proximity to neighbouring property No.706. However, all matters are reserved for future approval and it is considered an acceptable scheme for three dwellings could be brought forward which would meet the requirements of policy BE12 and would ensure there would not be material harm to the amenity of neighbouring properties; their habitable room windows or private amenity spaces.

Ecological Issues:

- 10.19 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. As the site currently comprises semi-natural habitats, ecological information is needed to support the application. A preliminary ecological appraisal is required, and the applicant has failed to demonstrate the ecological impact of the development and any necessary mitigation.

Drainage issues

- 10.20 The proposal is to drain surface water by a sustainable drainage system. No details have been provided at this stage as all matters are reserved for future approval. If the application was considered to be acceptable in all other regards this matter could be addressed at reserved matters stage.

Representations

- 10.21 Eight representations have been received. In so far as the comments raised have not been addressed above:
- 10.22 These houses would have a detrimental effect on views.
Response: The loss of a view is not a material planning consideration.
- 10.23 Trees planted along the boundary edge will have a detrimental effect on views.
Response: The loss of a view is not a material planning consideration.

10.24 There is permission already for many houses in this area that have yet to be constructed and which will place significant stress on local schools which are already at capacity. Added to this are further areas of land designated for house building under the Development Plan thus rendering the need to erode community green areas unnecessary.

Response: The proposal does not accord with policy D3 of the UDP and the principle of development is unacceptable. A proposal for three dwellings would not trigger an education contribution.

10.25 The Spen Valley Civic Society objects to this application because the site is designated as Urban Green Space in both the UDP and the Local Plan. A recent appeal decision by the Planning Inspectorate (APP/Z4718/W/16/3162164) re an Urban Green Space site at White Lee Road Batley has upheld the importance of UGS as open green space for the benefit of the community even if the site does not have public access. Putting housing on this site would affect public amenity views of Cleckheaton and the Spen Valley from Halifax Road and provide a precedent for the development of the entire surrounding UGS-designated hillside.

Response: The proposal does not accord with policy D3 of the UDP and the principle of development is unacceptable as discussed in detail in the principle section above.

10.26 Councillor Pinnock has stated “the site is quite clearly in the Urban Greenspace allocation, and is not adjacent to any other buildings; it is not even adjacent to Upper Blacup Farm. A more correct address would be Halifax Road. One of the questions on the application form asks if the site is currently vacant. The applicant has answered no to this, when I think the answer should be yes”

Response: The site is currently vacant with the exception of an unauthorised caravan and the use of part of the site for storage.

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. The site is urban greenspace and the proposed development proposals do not accord with policy D3 of the development plan. The adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material consideration.

12.0 Reasons for Refusal

1. The site is allocated as Urban Greenspace on the Kirklees Unitary Development Plan Proposals Map. It forms part of a wider area of natural and semi-natural greenspace which is a visually important and extensive tract of open land which contributes to the attractiveness of the area, when viewed from different locations. It provides visual relief and an important break in an otherwise densely developed area which contributes significantly to the appearance and semi-rural character of the area and gives communities a sense of place and identity. The loss of this site is given significant weight. The proposed development is contrary to Policy D3 of the Unitary Development Plan and Policy PLP 61 of the Draft Publication Local Plan

which relates to development on such sites. The loss of the value of the Urban Greenspace is considered to outweigh all other material considerations, including the delivery of new housing.

2. The application has failed to demonstrate that the ecological impacts of development on the semi-natural habitats on the site are acceptable. To approve the application without this information would be contrary to policy EP11 of the Kirklees Unitary Development Plan and chapter 11 of the National Planning Policy Framework.

Background Papers:

Website link

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92743>

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