
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Nov-2017

Subject: Planning Application 2017/92809 Outline application for erection of up to 55 dwellings and associated means of access Land off, Kenmore Drive, Cleckheaton, BD19 3EJ

APPLICANT

Paul Kemp, Kirklees
Council

DATE VALID

11-Aug-2017

TARGET DATE

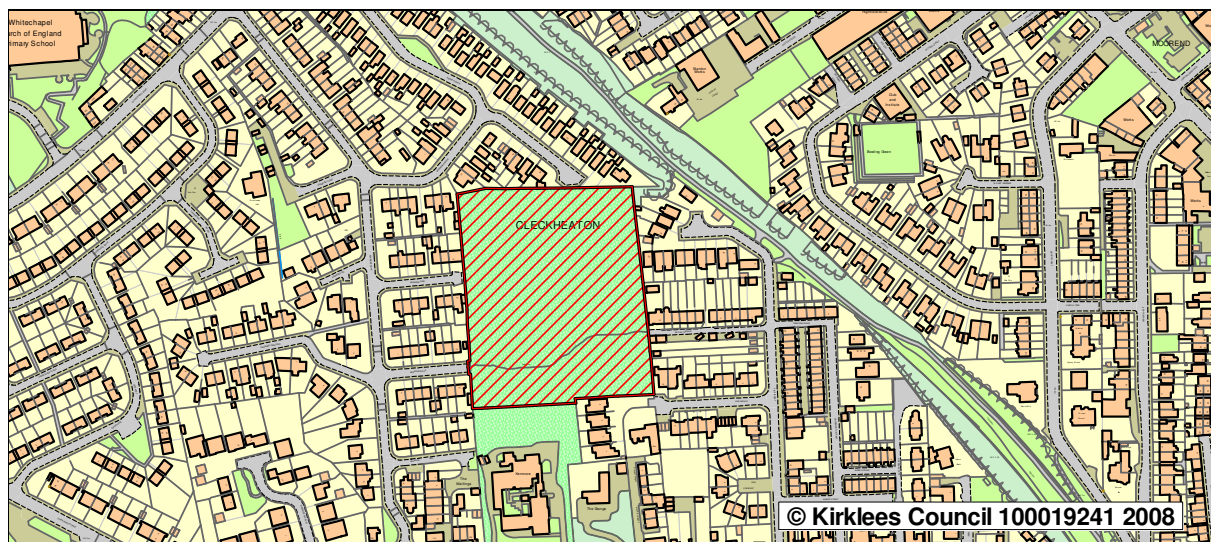
10-Nov-2017

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: Cleckheaton Ward

Yes

Ward Members consulted

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

1.0 INTRODUCTION:

1.1 This application is brought to the Heavy Woollen Sub Committee as it is for outline residential development on a site in excess of 0.5 hectares. There have also been a significant number of objections received in response to publication of the proposed development. These relate predominantly to matters regarding highway safety, access and parking.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located within, and bound by, residential properties in Cleckheaton. It is to the east of Kenmore Drive and Kenmore View. The site area extends to approximately 1.68 hectares and comprises of scrublands which slopes gently with the highest point being to the south. The site is not maintained and overgrown with grass and shrubs. There are a number of mature trees within the area which form sporadic pockets around the site and to the boundary edge. The area is accessible on foot from a number of points and appears to have reasonably well trodden paths across it.

2.2 The site is situated in a predominantly residential area and is enclosed by dwellings to all sides. The dwellings in the immediate vicinity are generally two storey terraced and semi-detached properties. Extending beyond this are larger detached properties.

2.3 Being located within close proximity to the town centre of Cleckheaton there are a number of key services that are accessible.

3.0 PROPOSAL:

3.1 Outline planning permission is sought for the erection of up to a maximum of 55 dwellings. The application includes the points of access with all other matters reserved. The application is supported by an indicative layout plan, although there is limited information accompanying this.

3.2 The revised proposals being considered show two points of access both from the existing vehicular access points to the west of the site from Kenmore Drive and Kenmore View. The proposals indicate possible pedestrian links to Kenmore View, Rooks Avenue and Milton Terrace. An area of public open space (1590 square metres) is shown as being designated on the indicative plan and located adjacent to the greenway. In addition the plan shows retention of the trees to the Kenmore boundary.

4.0 RELEVANT PLANNING HISTORY:

4.1 The application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan.

4.2 There are no relevant planning applications associated with this site.

5.0 HISTORY OF NEGOTIATIONS:

5.1 Following concerns being raised relating to matters of access and highway safety the application was revised from a single point of access to show two points of access via Kenmore Drive and Kenmore View. The revised details were accompanied by an additional highway statement with responses to concerns raised.

5.2 Resolution of matters relating to drainage of the site is ongoing and direct discussions are progressing between engineers and consultants.

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.

6.2 The application site is an allocated Housing site H14.19 under the adopted Unitary Development Plan. The site is also allocated for housing on the PDLP.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

6.3 **H6** – Allocated housing site
BE1 – Design principles
BE2 – Quality of design

BE12 – Space about buildings
BE23 – Crime prevention
NE9 – Retention of mature trees
T10 – Highway safety
T19 – Parking standards
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Provision of open space
G6 – Land contamination
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

6.4 Interim Affordable Housing Policy

Council's Guidance on Education Contributions as a Result of New Residential Development.

National Planning Policy Framework:

- 6.5 **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

6.6 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

Policies:

PLP1 – Presumption in favour of sustainable development
PLP2 – Place shaping
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP30 – Biodiversity and geodiversity

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Over 100 letters of objection were received to the original advertisement. The concerns raised are summarised below:

- Highways – unsuitable access route due to on street parking, not suitable for access by HGVs or emergency services
- Conservation management – development on Green Belt land, loss and disruption to wildlife habitats, loss of recreational space
- Environmental impacts – Increased air and noise pollution in an area highlighted for the need to reduce CO2 emissions
- Impacts on the community – added health implications, loss of privacy due to possible overlooking
- Impacts on local services – already a current oversubscription to schools and strain on services e.g. doctors and dentists, lack of amenities
- Stability to retaining structures and potential for damage

7.2 Following receipt of amended details showing two access points rather than one, the application was re-advertised and representations have been received highlighting similar concerns to those originally raised. Further details were required regarding the access points and responses to these will be included within the committee update.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C Highways Development Management – No objections in principle

Environment Agency – No comments

The Coal Authority- No objections subject to conditions

K.C. Strategic Drainage – Revised FRA sought and agreement with Yorkshire water.

8.2 Non-statutory:

K.C Environmental Services – No objections subject to conditions

K.C. Ecology – No objections subject to conditions

K.C. Strategic Housing – Contribution required

K.C. Landscaping – No objections subject to conditions

K.C. Education – Contribution required

K.C. Crime Prevention Officer – No objections

Yorkshire Water – No objections subject to conditions

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

- 10.1 The site is currently allocated for Housing (reference H14.19) under the adopted UDP: Policy H6, and also benefits from a draft allocation in the emerging Draft Local Plan in which it is shown to be capable of accommodating up to 58 dwellings. The principle of residential development is therefore well established. The site is considered to be located in a sustainable location, within a residential area and with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site.
- 10.2 Paragraph 14 states that there is a presumption in favour of sustainable development. For 'decision taking' this paragraph goes on to state that this means where relevant policies are out-of-date, planning permission should be granted *"unless any adverse impacts ... would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole, or that specific NPPF policies indicate development should be restricted"*.
- 10.3 Therefore consideration must be given as to whether the proposal is sustainable development. The NPPF identifies the dimensions of sustainable development as economic, social and environmental (Para.7). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).
- 10.4 The NPPF sets out at paragraph 49 that 'housing applications should be considered in the context of the presumption in favour of sustainable development.' Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.5 Whilst the NPPF encourages the use of brownfield land for development, it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply.
- 10.6 The site comprises of land that is greenfield (previously undeveloped). As such, consideration needs to be given to any harm which would result from the loss of this open land. The specific impacts of the development, for example the visual and ecological impacts, are addressed later in this assessment but, in principle, it is considered by officers that there is no overriding reason why development on this land would be inappropriate subject to consideration of the UDP policies listed above.

- 10.7 Other relevant UDP policies relate to residential use on a site of this size and scale, policy H18 (Provision of Public Open Space) and the Council's education contributions policy and interim Affordable Housing policy. These matters are dealt with in detail in the consultation section, however for clarity, and as the application is outline, the issues of affordable housing and POS will be the subject of conditions
- 10.8 Public open space will be sought in accordance with the criteria detailed in Policy H18. It is likely that at reserved matters stage an off-site financial contribution in lieu of an onsite provision will be acceptable. An education contribution is required.

Urban Design issues

- 10.9 A full assessment of the layout, scale, and appearance of the dwellings and the landscaping of the site would be pursued at reserved matters but it is considered there is sufficient space on site to accommodate 55 dwellings with associated, access and landscaping and amenity areas.
- 10.10 An assessment has to be made as to whether the loss of the site, in terms of visual amenity, would be detrimental to the character of the area and whether the benefit of development would outweigh the loss as a greenfield site. The land is bound by existing residential development. Development has encroached round the site resulting in it being almost enclosed. It is considered that this results in very limited contribution to the visual amenity of the wider area and, subject to design, development would continue the established character of the area.
- 10.11 The development would provide some economic gains by providing business opportunities for contractors and local suppliers, and there will be a social gain through the provision of new housing at a time of general shortage. The development of a greenfield site represents an environmental loss. However, whilst national policy encourages the use of brownfield land for development it also makes clear that no significant weight can be given to the loss of greenfield sites to housing when there is a national priority to increase housing supply. The principle of a proposed development of up to 55 dwellings on this allocated housing site is therefore considered to be acceptable and the benefit of development would outweigh its loss as a greenfield site.
- 10.12 Policies BE1 and BE2 of the UDP are considerations in relation to design, materials and layout. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area. Chapter 7 of the NPPF emphasises the importance of good design. Furthermore, Paragraph 58 of the NPPF states that planning decisions should ensure that developments respond to local character and history, and reflects the identity of local surroundings and materials. As the application is in outline with all matters reserved there are no details of scale, materials or design. The nature of existing residential development that surrounds the site is mixed in scale and character, with no single style or design of property taking precedent.

- 10.13 It is considered that matters of visual amenity can be satisfactorily dealt with by means of conditions at this stage.
- 10.14 As such, it is the view of officers that development could be appropriately designed without detriment to the character of the area, in accordance with Policies D2, BE1, and BE2 of the Kirklees UDP, policy PLP24 of the PDLP, as well as chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.15 The site is currently located within a residential area and is bound by residential properties to the north, south east and west. As such it is considered that a residential use could be designed to an appropriate scale so as to avoid any detrimental impact on existing nearby occupants.
- 10.16 At present the application includes access for consideration only and therefore the proposed layout is not being considered or approved at this stage. However, it is considered that a satisfactory layout can be achieved on this site which would protect the privacy and residential amenity of both existing and future occupants.

Landscape issues

- 10.17 Landscaping is not included for consideration and is retained as a reserved matter. As previously set out, any future landscaping scheme would be beneficial in terms of providing mitigation and enhancement where possible.
- 10.18 UDP Policy EP11 requires that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The ecological report indicates that the habitats present within the site are generally of limited ecological value. Any reserved matters application will need to include measures to avoid impacts to nesting birds and details to demonstrate how ecological impacts will be mitigated and ecological enhancement provided thereby fulfilling the objectives of paragraph 109 and 118 of the National Planning Policy Framework.
- 10.19 The Arboricultural and Landscape officer raise no objections. There is minimal information to assess and full landscape proposals are required and shall be conditioned to ensure hard and soft landscape details and planting are incorporated to create a diverse and attractive landscape. The scheme will also need to demonstrate bin presentation/collection points in addition to proposed grit bins.
- 10.20 In the interim, the proposals are considered to meet UDP Policy NE9 as mature trees are to be retained and existing trees are to form an integral part of the design thereby meeting Policy BE2. The indicative layout plan provides for adequate space from the retained trees with regards to future growth and shading however further consideration will need to be given to this at any future application when finalising the layout. The trees within the site will require protecting during any future development of the site and as such a "Tree Protection Plan" should accompany any Reserved Matters application.

- 10.21 In order for the development to be acceptable conditions are imposed and can be addressed at Reserved Matters stage. As such the development is considered in accordance with Policy NE9 and EP11 of the Kirklees Unitary Development Plan and with the inclusion of conditions would ensure that the proposal would improve biodiversity within the local area, complying with current guidance contained within the NPPF.

Housing issues

- 10.22 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises: 7 "Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing." Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.
- 10.23 The development would contribute to the aims of Policy H1 of the UDP in that it would provide additional housing in a sustainable location.

Highway issues

- 10.24 The proposed development is an outline planning application for 55 Dwellings, with 'point' of access only to be considered at this stage with all other matters reserved. Access would be via two points one taken off Kenmore Drive (5.5m wide) and one taken off Kenmore View (4.5m wide) from their junction with Kenmore Road. Kenmore Road has traffic calming (speed humps) along its length.
- 10.25 Both these residential accesses are of a traditional estate road layout with footways either side each serving the 14 residential frontages. In the main, the residential properties have off-street parking with on-site observations of residential on-street parking along on both Kenmore Drive and Kenmore View and at their respective junctions with Kenmore Road.
- 10.26 Kenmore Road has a speed limit of 30-mph with observed driven speeds along Kenmore Road considered to be in the region of 25 mph. This is commensurate with the available visibility from Kenmore Drive and View along Kenmore Road.
- 10.27 In terms of the proposed development traffic, the proposed development is forecast to in the region of 39 two way movements.
- 10.28 To serve the development, the illustrative layout plan (P17 5109 01B) indicates a one-way system into the development from Kenmore Drive and out along Kenmore View. This would require consultation with the existing residents. Notwithstanding, HDM consider these measures at this stage of the proposal to be unacceptable given the likely inconvenience and the practicalities of managing the one-way system which would normally be from entry and exit junctions with Kenmore Road.

10.29 In principle, the proposed access points are considered to be acceptable from HDM point of view, however, given the nature of Kenmore Drive and View in relation to residential on-street parking and the relatively narrow width of Kenmore View additional measures may need to be considered at the reserved matters stage.

10.30 Drainage issues

10.31 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. Strategic Drainage has been consulted and raise no objections subject to the inclusion of conditions regarding drainage specifically.

10.32 Matters are outstanding with regards to drainage and flood risk. A revised Flood Risk Assessment is to be submitted addressing the concerns of the Council's Strategic Drainage Team. This will be addressed in the update in order to ensure that the proposal complies with the aims of chapter 10 of the NPPF.

Representations

10.33 In so far as the representations have not been addressed above:

Highways (unsuitable access, parking, congestion, pedestrian safety)

Response: Highways have fully assessed the proposals and raise no objections to the development.

Local amenities and services will suffer

Response: Contributions are required regarding education and housing.

Loss of green space

Response: It is considered that the benefit of development for residential purposes, at a time where there is a shortfall in supply, outweighs the loss of land which offers little in terms of ecological value and visual amenity.

Loss of privacy

Response: Matters regarding location and design of development are reserved and would be considered at a subsequent stage in order to avoid any loss of privacy to adjoining occupants.

Structural stability and maintenance of the retaining wall

Response: A section would be required as part of the submission of any reserved matters to demonstrate that levels can be addressed without impacting on matters relating to visual amenity.

Planning obligations

10.34 Education:

The proposed development is for up to 55 dwellings and as such triggers consultation with School Organisation and Planning to establish whether a contribution is required. It has been confirmed that a contribution of £221,657 is required. A condition is recommended to secure this provision.

10.35 Affordable Housing:

Further to comments provided by Strategic Housing the Council are applying the interim affordable housing policy requirement of 20% of the development being affordable. This matter will be secured through a planning condition and at Reserved Matters stage when detailed layout and house numbers are confirmed.

10.36 Public Open Space

The site is over 0.5 hectares and requires the submission of the provision of Public Open Space. The erection of 55 dwellings would equate to 1650 metres square POS requirement with Locally Equipped Area of Play (LEAP) equivalent. This is an outline application and whilst the indicative plan shows the POS as being located to the north east of the site which links well with the Greenway it is considered that there are other locations that may also be acceptable. POS should provide accessible amenity playable spaces, which will not cause nuisance to residents (gable ends should not bound the POS) or those parking adjacent to the areas. Levels and accessibility plans will be required at reserved matters stage. Equipped play equipment, in the traditional sense, would not be included due to the close proximity of existing facilities at West End Park (within 720m of the site), so an off site lump sum would be anticipated, in lieu of this, as a contribution towards west End Park and or possibly Exchange Street.

10.37 With an amenity space potentially of this size, and depending on the situation and aspect of the surrounding dwellings, there is also an opportunity for well-designed natural play on the POS (which would be taken into account when calculating the contributions due). Currently, and without prejudice, an off-site contribution would be in the region of £108k in lieu of on-site provision. As the layout of any areas of Public Open Space are not defined at this time it is appropriate to impose a condition requiring the provision of Public Open Space or an off-site contribution in lieu of on-site provision.

Other Matters

10.38 *Footpaths:*

It is recognised that a number of informal footpaths cross the site. Officers are aware that an application for Definitive Map Modification Order is being considered which may result in the footpaths being registered as public rights of way. The layout of development is not included at this outline stage for consideration and any application for development could accommodate routes for pedestrians across the site. The plans submitted include indicative points of pedestrian links. An application for extinguishing or any rights may be made by future developers but should not be a reason to refuse the development which is only in outline form at this stage.

10.39 *Coal Mining Legacy:*

A Coal Mining Risk Assessment has been submitted with the application and comments received from the Coal Authority. There are no objections to the proposals providing conditions are imposed to ensure there is no risk as a consequence of development. The inclusion of such conditions would ensure that the proposals comply with the aims of chapter 11 of the NPPF.

10.40 *Sustainable transport:*

Sustainable transport 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.” As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles.

11.0 CONCLUSION

11.1 The site is located in a sustainable location, within a residential area with good access to a wide range of services. It is therefore considered that residential use is the most appropriate land use for the site which complies with the Kirklees development plan and also the emerging Local Plan housing allocations. The proposal is considered to comply with current planning policies and it is the opinion of officers that there would be no significant adverse impact from granting outline planning permission on this site. For the reasons detailed above, it is considered that, subject to the imposition of appropriate conditions, the proposal is acceptable.

11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government’s view of what sustainable development means in practice. This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

- 1 3 year time limit permission for submission of Reserved Matters
- 2 Reserved Matters of Layout, Scale, External Appearance and Landscaping to be obtained
- 3 Development to commence within 2 years of the date of approval of the last reserved matters to be approved
5. Development to be in accordance with approved plans
6. Affordable Housing
7. Education contribution
8. Public Open Space provision
9. Scheme of intrusive site investigations
10. Submission of report of findings from the site investigations
11. Submission of scheme of remedial works for the shallow coal workings
12. Implementation of remedial works
13. Submission of an ecological design strategy
14. Existing and proposed ground levels including sectional drawings
15. Construction management plan

Background Papers:

Website link to application details:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f92809>

Certificate of Ownership – Certificate A signed and dated 08/08/2017