
Report of the Head of Strategic Investment

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Dec-2017

Subject: Planning Application 2017/91976 Erection of 11 dwellings Land at, Savile Road, Savile Town, Dewsbury

APPLICANT

Ismail Adam, Savile
Developments Ltd

DATE VALID

30-Jun-2017

TARGET DATE

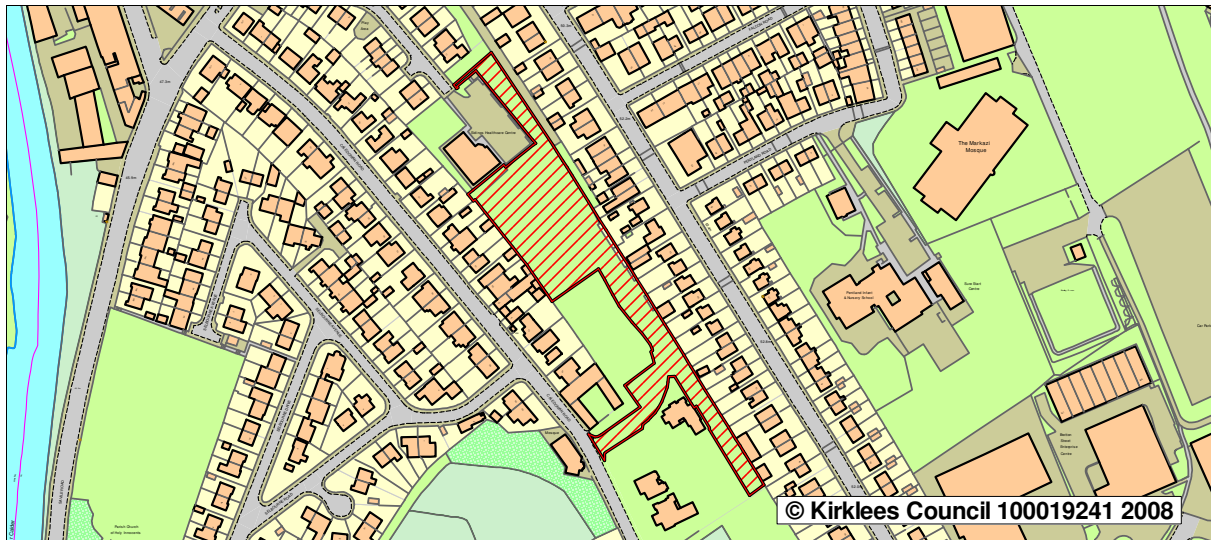
29-Sep-2017

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: Dewsbury South

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 variation to the existing Section 106 Agreement which covers:

- o Off-site affordable housing contribution - £34,169
- o Education Contribution - £25,183
- o POS provision and maintenance - £48,603; and
- o Travel Plan monitoring £15,000 (£3,000 per annum for 5 years).

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 proposal is for residential development on a site in excess of 0.5ha. This is in accordance with the Council's Scheme of Delegation.

2.0 Site Description

2.1. This application comprises an area of 0.72 ha, and is a portion of a larger site that comprises an area of 1.55ha and is located approx 3km to the south of the Town Centre in the Savile Town area. The site is located between Caledonian Road to the south, Headfield Road to the north, and the Sidings to the west. The site is surrounded by residential development. There is a group of listed buildings on the Caledonian Road frontage [these are not within the application site], and in the south east corner there were 4 derelict cottages, now demolished. On the opposite side of Caledonian Road is a small mosque.

2.2. The remainder of the site is along the line of a former railway cutting that has been filled and grassed over with a planting scheme. There are significant level differences across the site with the land dropping quite markedly from the rear of Caledonian Road to the rear of Headfield Road; also at the top of The Sidings, there is a significant step up from the road to the site, which then gradually rises for its full length to the south.

- 2.3. The site is unallocated on the Kirklees Unitary Development Plan proposals map, is a green field site, and has a Green Corridor running through the site. Immediately to the south is an area allocated as Urban Greenspace on the Kirklees Unitary Development Plan proposals map.

3.0 Proposal

- 3.1 There is already an extant permission (2008/92254) for the erection of a Health Centre and 27 no. dwellings on this site; the Health Centre being located at the northern end of the site accessed off the Sidings. A previous application for Variation of Condition was agreed last year (2010/92630) which related to the housing element of the scheme. This application relates to a re-plan of an area of the site located to the south of the site adjacent to the now constructed Health Centre.
- 3.2. The approved scheme in this area provides 14 no dwellings (12 townhouses and 2 semi-detached dwellings), and the proposal seeks the erection of 3 no town houses, 2 detached properties, and 6 semi-detached properties totalling 11 i.e. 3 less than previously approved. Despite the reduction in the numbers, the extent of site coverage is approximately the same, and the dwellings are 2/3 storey, as already approved.
- 3.3 There is no alteration to the access arrangements and the visitor layby parking, but the new dwellings have their own parking arrangements with 4 of them having attached garages.
- 3.4 It is important to note that the previous approval is the subject of a Section 106 Agreement, which provides for:
- An Education contribution;
 - Provision and maintenance of POS;
 - Travel plan monitoring; and
 - An off-site affordable housing contribution.

4. Background and History

- 4.1 The site was formerly a railway cutting; previous 'Minerals' applications all granted in the 1990's for land filling were all subject to landscaping conditions.

- 4.2 The following is a list of the relevant planning application history on this site:-

2000/93767 Outline application for 50 houses [all social housing] - Refused

2006/94722 Erection of a Primary Care Trust Health Centre[Use Class D1] with associated car parking and 28 dwellings and access - Withdrawn.

2008/92254 Demolition of 4 derelict cottages and the erection of a Primary Care Trust Health Centre with associated car parking and the erection of 27 dwellings - Approved subject to a Section 106 Agreement. The Section 106 has been signed and the decision notice issued.

2010/92630 Variation of Condition 2 of 2008/92254.

[NB The variation in this case related to the residential element of the scheme, some re planning, amendments to elevation details and roofing. No change to the number of dwellings, or the disposition of POS and access points.] - Approved subject to the signing of a Deed of Variation to the original Section 106 Agreement. This Variation has been signed and the decision notice issued.

2011/92765 Variation of condition 2 for the design and construction of the Heath Centre - Approved and now completed.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Alterations to the alignment of the access road, and the layby / visitor parking have been agreed, and an amendment to Plot 5 is to be submitted removing a first floor elevated terrace from the design in order to safeguard privacy for existing dwellings on Caledonian Road.

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. At this stage of the plan making process the Publication Draft Local Plan is considered to carry considerable weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is unallocated on the Kirklees UDP proposals map and remains unallocated on the PDLP.

6.2 Kirklees Unitary Development Plan

D2 - Unallocated

T10 – Highway safety

T19 – Parking standards

T16 - Footpaths on development sites

BE1 – Design principles

BE2 – Quality of design

BE12 – Space about buildings

BE23 – Crime prevention

H10 – Affordable housing

H18 – Provision of open space

D6 – Land adjoining green corridor

C2 - Community facilities separate from existing centres.

EP11 – Ecological landscaping

6.3 Kirklees Publication Draft Local Plan

PLP1 – Presumption in favour of sustainable development

PLP2 – Place shaping

PLP21 – Highway safety and access

PLP22 – Parking

PLP24 - Design

PLP27- Flood risk

PLP30- Bio diversity and geodiversity

PLP49 Education and Health Needs

PLP 63 new open space

6.4 National Policy Planning Policy Framework

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality housing

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

NPPF Decision Taking – Planning conditions and Obligations. Paragraph 205 indicates that: “*where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time, and wherever appropriate be sufficiently flexible to prevent planned development being stalled*”.

Other Policy Considerations

Council’s policy on Education contributions

Interim Affordable Housing Policy

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised by means of site notice and neighbour letters. Also the amended plans have been re-advertised. To date there have been no representations.

8.0 CONSULTATION RESPONSES:

8.1 Statutory

K.C. Highways Development Management - No objections recommend conditions.

8.2 Non-statutory:

K.C. Ecologist – In light of the history of the site and the previous works undertaken, no objection to the proposals. A condition relating the submission of an Ecological Design Strategy (EDS) is suggested.

K.C. Public Right of Way (PROW) – PROW would like to see the link from The Siding to the application site secured for both pedestrians and cyclists.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Landscape and Biodiversity
- Planning Obligations

10.0 APPRAISAL

Principle of development

- 10.1 The principle of residential development on this site has already been established with an approval in 2008. The scheme approved was for a Health Centre and 27 no dwellings. The Health Centre is completed, and a number of the dwellings have also been built. As such there is no objection in principle to a scheme for 11 no dwellings.
- 10.2 The approved mixed use scheme (ie Health Centre and Residential) was subject to a Section 106 Agreement which covered the matters of on-site POS and maintenance, the provision of a Green Travel Plan, education contributions and an affordable housing contribution.
- 10.3 Technically this is a stand-alone scheme for 11 no dwellings, which together with the site area means that the issues of POS, and an affordable housing contribution would need to be considered, and existing contributions considered, or in this case retained as part of the overall development.
- 10.4 In order to retain the already secured contributions it is proposed to require a variation of the Section 106 Agreement to be signed, before issuing the decision.
- 10.5 The overall reduction in numbers of houses by 3 is a material consideration, and a recalculation/ reduction of the already agreed contributions could be required. (POS, affordable housing, and education contributions are all based upon numbers of units).

Urban Design issues

- 10.6 The development is located within an otherwise built up area, flanked by houses on 2 sides, and by a recently completed Health Centre. The degree of site coverage for the current proposal is slightly less than that already approved, and the overall density is only slightly less than the approved 20 per hectare (which is considered to be an efficient use of this site, given its constraints, in particular levels, and the need to provide a green corridor and footpath link for the full length of the site from the Health Centre to the green space to the north.
- 10.7 There is already a mixture of house types within the development ranging from a terraced town house, to a large 5 bedroom detached, as such the reduced numbers and altered types do not materially affect the layout or its appearance. The new scheme respects the prevailing building lines that are already agreed, and the scale of the building ie 2/ 3 storeys is also retained, each of these properties also front onto the access road, and the green corridor, and the heights/ scale satisfactorily reflect the levels drop across the site from east to west.
- 10.8 The area of public open space adjacent the listed building grouping at the site entrance off Caledonian Road, is unaffected by this scheme as is the footpath/ green corridor link, both of which were negotiated a part of the original scheme.
- 10.9. As such the amended application is considered to satisfactorily address, and safeguard the quality of the layout and design of the original scheme, and is considered to comply with the aims of Policies D2, BE1, and BE2 of the UDP, Policy PLP24 of the PDLP, and chapters 6 and 7 of the NPPF.

Residential Amenity

- 10.10 The nearest dwellings to this scheme are located to the east on Caledonian Road, and they back onto the site. These dwellings are sited at a slightly higher level than the application site. With the exception of plots 4 and 5, all of the dwellings have a back to back distance, in excess of 21m, which accords with the Council's space about buildings policy (Policy BE12 of the UDP).
- 10.11 Plots 1-3 actually back onto the Health Centre, so there is no potential for overlooking, also the Health Centre car park. As such there is no loss of privacy, and the garden areas are not shaded.
- 10.12 Plots 4 and 5, are the biggest plots on the site, and extend up to the rear boundary of the site with properties on Caledonian Road. However the dwellings are part 2/3 storey, and part single storey, and the buildings to the rear are single storey. The elevations of the upper floors and the habitable room windows (i.e. bedrooms) are over 21m distant from the properties on Caledonian Road, in accordance with the Council's space about buildings Policy. Plot 5 has been amended to remove an elevated terrace from the scheme that would have overlooked the rear of 59 and 61 Caledonian Road.

- 10.13 The relationship with the dwellings to the west, located on Headfield Road, is unaltered, with distances significantly greater than the space about building standards to accommodate the levels differences between the site and the Headfield Road properties.
- 10.14 In all, the proposals are considered acceptable from a residential amenity perspective and would accord with the aims of Policies D2 and BE12 of the UDP as well as Policy PLP24 of the PDLP.

Highway issues

- 10.15 The approved highway layout, and access points for both parts of this site (i.e. the Health Centre accessed off the Sidings, and the housing accessed off Caledonian Road) has been put in. This scheme reduces the number of units, but increases the size of two of them. As such the amount of residential parking has remained the same, but its distribution has altered. Each dwelling has sufficient parking within its curtilage, including in four cases an additional garage. Also the visitor parking provided in the layby opposite the new scheme has been retained.
- 10.16 Amended plans have been requested relating to the provision of a 600mm margin to enable adequate street lighting on the western side of the site. This is a technical requirement however the receipt of the amendments will confirm that the access road can be delivered to adoptable standard
- 10.17 Subject to the receipt of the amendments referred to above, no objections are raised from a highway safety and efficiency perspective. As this is technically a stand-alone application, relevant highway conditions will need to be repeated in order to ensure that the proposals comply with Policies D2, T10, and T19 of the UDP as well as Policies PLP21 and PLP22 of the PDLP.

Flood Risk/Drainage issues

- 10.18 This application site, is a small area of a much larger site that has the benefit of a mixed use permission for a Health Centre and 27 no dwellings. The mixed use approval was the subject of a Flood Risk and Drainage assessment which was accepted, and an overarching drainage solution for the entire development has been agreed, and partly implemented.
- 10.19 The existing approve drainage scheme can accommodate the proposed 11 dwellings instead of the already approved 14, without any need for change in capacity, or surface water collection, already agreed as part of the previous scheme and road adoption. However, as the scheme is technically a stand-alone application, it is necessary to restate this condition, to ensure its completion.

Landscape/ Bio diversity.

- 10.20 The comprehensive mixed use development accommodated a number of areas of open space for reasons of both visual amenity and bio diversity enhancement.

- 10.21 The open space area, adjacent to the listed building block off Caledonian Road, is retained, providing an attractive entrance feature off Caledonian Road, and affording a reasonable setting for the listed buildings. The green corridor link containing a footpath, between the Sidings, and the urban greenspace / playing fields to the south of the site, is retained, and is unaffected by the amended scheme. As well as a footpath route this green corridor is to improved habitat, and the existing Section 106 provides for this and its subsequent maintenance.
- 10.22 The amended scheme doesn't adversely impact upon open space provision, or the delivery of biodiversity enhancement, however as this provision is secured via an existing Section 106 agreement, and this scheme is technically a stand-alone application, a variation to the Section 106 needs to be signed to ensure the future provision and maintenance of these open space areas.

Planning obligations

- 10.23 The overall site of the mixed use development is covered by a Section 106 Agreement, that has been varied a number of times, but the agreed contributions remain
- Off-site affordable housing contribution - £34,169
 - Education Contribution - £25,183
 - POS provision and maintenance - £48,603; and
 - Travel Plan monitoring £15,000 (£3,000 per annum for 5 years).
- 10.24 This level of contribution has been the subject of a viability assessment and independent appraisal previously, but this was some time ago. The applicant has been asked to provide an update on this matter, given the levels of completions etc, but he has confirmed that he is not seeking to renegotiate the already agreed terms.
- 10.25 The scheme applied for, if approved will be the subject of a Variation of the Section 106, securing the above contributions. If there is to be a reappraisal, then as contributions are usually based upon the number of dwellings, the reduction in dwellings on the overall site would inevitably impact the overall total.

11.0 CONCLUSION

- 11.1 The residential use of this site is long established, and the amended layout (with a slight reduction in numbers) is still acceptable, and does not prejudice the delivery of the site or the already secured contributions, in the Section 106 Agreement.
- 11.2 This is a brown field site, which is difficult to deliver, and has been ongoing for some considerable time (note initial approval 2008 i.e. 9 years ago) .Sites such as these make a significant contribution towards the necessary supply of housing, and this amended scheme should enable the site to be fully delivered, instead of being stalled.
- 11.3 As such approval is recommended subject to a Variation of the existing Section 106 being signed to retain the already agreed contributions from the larger scheme.

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

1. Standard 3 years for commencement condition.
2. Development in accordance with approve plans
3. Samples of materials
4. Boundary treatments.
5. Finished floor levels and sections
6. Decontamination, remediation strategy and validation report.
7. Drainage (surface water and foul) details to be submitted for confirmation.
8. Highway conditions (surfacing, layout of highway, and provision/ surfacing of parking areas, bin collection areas.
9. Removal of permitted development rights for plots 4 and 5
- 10 Submission of Ecological design strategy

Background Papers:

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91976>

Certificate of Ownership – Certificate A signed and dated 08/06/2017

Website link to previous variation of condition 2 application (2011/92765):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2011%2f92765>

Website link to previous variation of condition 2 application (2010/92630):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2010%2f92630>

Website link to previous application (2008/92254):

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2008%2f92254>