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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 09-Aug-2018**

**Subject: Planning Application 2018/91119 Outline application for erection of residential development Land to the rear of 11 Holme Avenue, Dalton, Huddersfield, HD5 8DP**

**APPLICANT**

Executors of HD  
Stephenson

**DATE VALID**

06-Apr-2018

**TARGET DATE**

06-Jul-2018

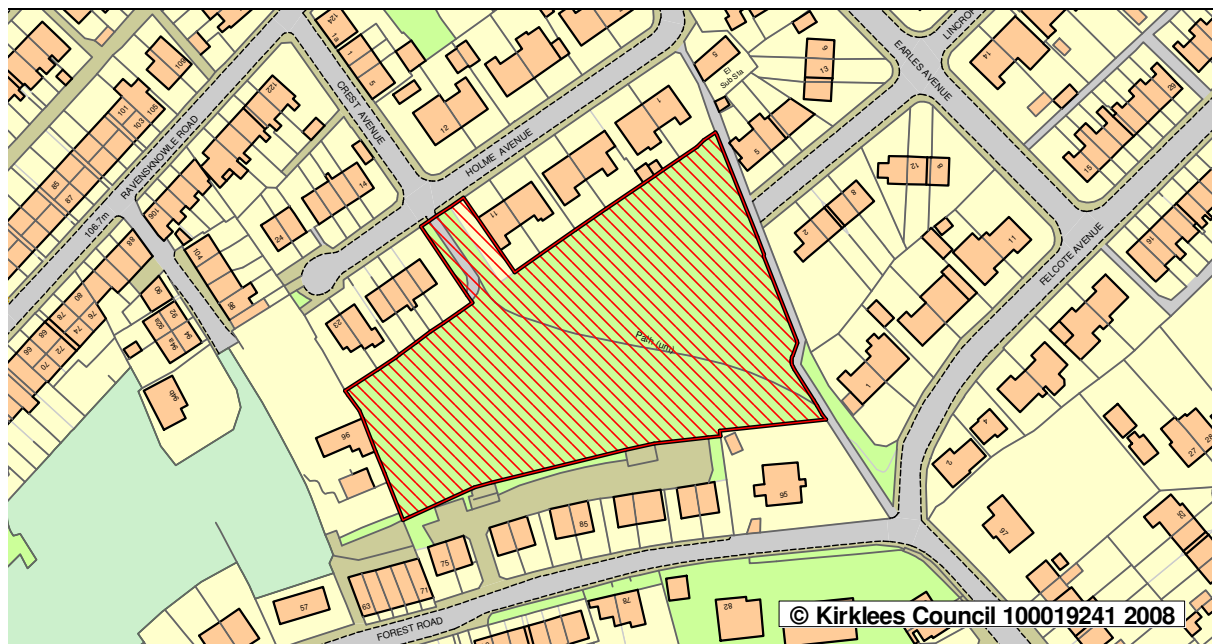
**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected: Almondbury**

Yes

Ward Members consulted

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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 is an outline planning application, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 0.68 hectares in size and slopes downhill from south (125m AOD approx.) to north (110m AOD approx.). The site is accessed from Holme Avenue.
- 2.2 No buildings exist within the site's boundaries. The site is partly grassed, and partly overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs). The site is not within a conservation area and there are no listed buildings immediately adjacent to the site.
- 2.3 Surrounding buildings are in residential use.
- 2.4 A public footpath (HUD/100/10) runs along the site's east boundary, connecting Forest Road and Felcote Avenue with Holme Avenue and Brian Avenue. An informal path also runs diagonally across the site.

## **3.0 PROPOSAL:**

- 3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. Approval of the point of access to the site is also sought. All other matters (scale, layout, appearance and landscaping) are reserved.
- 3.2 An indicative site layout plan has been submitted, showing 25 residential units and an area of open space arranged around a single internal road running east-west across the site, accessed from Holme Avenue.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 87/02023 – Outline planning permission granted 03/06/1988 for residential development.
- 4.2 91/02565 – Outline planning permission granted 30/07/1991 for residential development (renewal of outline permission ref: 87/02023).
- 4.3 2014/92369 – Outline planning permission granted 13/04/2015 for residential development.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):**

- 5.1 In response to comments from the council's Highways Development Management officers, the applicant submitted a tracking diagram for a 11.85m long refuse vehicle, an amended proposed site layout plan, and an updated Transport Statement.

#### **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 48 of the National Planning Policy Framework (2018). 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 (2018), 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 The site is allocated for housing in the UDP (allocation ref: H7.26).
- 6.3 Relevant policies are:

- G6 – Land contamination
- NE9 – Mature trees
- BE1 – Design principles
- BE2 – Quality of design
- BE11 – Building materials
- BE12 – Space about buildings
- BE21 – Open space accessibility
- BE22 – Accessible parking
- BE23 – Crime prevention

EP4 – Noise sensitive development  
EP10 – Energy efficiency  
EP11 – Landscaping and ecology  
EP30 – Prolonged construction work  
T1 – Transport priorities  
T2 – Highway improvements  
T10 – Highway safety  
T14 – Pedestrian safety  
T16 – Pedestrian routes  
T17 – Cycling  
T19 – Parking standards  
H1 – Housing needs  
H6 – Housing allocations  
H10 – Affordable housing  
H12 – Affordable housing arrangements  
H18 – Open space provision  
R6 – Public open space  
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.4 The site is allocated for housing in the emerging Local Plan (allocation ref: H551).

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
PLP3 – Location of new development  
PLP7 – Efficient and effective use of land and buildings  
PLP11 – Housing mix and affordable housing  
PLP20 – Sustainable travel  
PLP21 – Highway safety and access  
PLP22 – Parking  
PLP24 – Design  
PLP27 – Flood risk  
PLP28 – Drainage  
PLP30 – Biodiversity and geodiversity  
PLP32 – Landscape  
PLP33 – Trees  
PLP35 – Historic environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP63 – New open space

Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)

- Kirklees Housing Topics Paper (2017)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- Planning Practice Guidance

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised via two site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 11/05/2018.

7.2 Representations from occupants of two properties were received in response to the council's consultation. The following is a summary of the concerns raised:

- Highways safety concerns. Roads would not be able to cope with additional traffic. Delivery and refuse collection vehicles would create hazards.
- Drainage concerns. Cess pit exists on site, and neighbouring properties have experienced problems with drainage and surface water. Land is marshy.
- Construction noise, dust and pollution would be harmful to health.
- Impacts upon bats which roost in the trees adjacent to Forest Road.
- Proposed dwellings would be overshadowed by trees and steep hillside.
- Proposed dwellings would lack privacy.
- Loss of trees.

7.3 Responses to these comments are set out later in this report. The amended plans/information were not re-publicised as it was considered they did not materially alter then scheme.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Advice regarding trip generation Section 38 matters and the design of the internal road provided in initial comments. Based on indicative scheme, developer is required to fund a package of sustainable travel measures to encourage the use of sustainable transport – the contribution appropriate for this development would be £14,850 for MetroCards. Amended information (2m wide footways at the site access, and swept path diagram for refuse vehicle) acceptable, however gradients at the site entrance should be a minimum of 1:25 for the first 10m.

KC Strategic Drainage – Supports application, subject to appropriate conditions and Section 106 obligation regarding maintenance and management of sustainable drainage systems.

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. Submitted Drainage Strategy is generally acceptable. Site is too steep to accommodate soakaways and there are no watercourses in the vicinity. Maximum surface water discharge rate into the public combined sewer must be no more than 3.5 litres per second.

### 8.2 Non-statutory:

Peak and Northern Footpaths Society – Footpath 100 crosses the site but is not properly considered in the submission, except in plans showing an internal road constructed over the footpath. Detail of footpath treatment required. Building internal road over footpath is unacceptable. The effect of development on a public right of way is a material planning consideration.

Police Architectural Liaison Officer – Detailed advice provided for reserved matters stage. Alternative layout should be proposed to ensure footpath would not take on the appearance of a tunnel, hidden from view behind tall fencing or hedges, particularly as the footpath kinks and could create an area that hides loitering. Current proposed layout raises crime prevention concerns in respect of safety for users of the footpath, and for the security of the dwellings that would have rear gardens bordering the footpath. Condition recommended.

KC Ecology – No objection to principle of residential development at this site. Applicant's ecological information is four years old and outdated, however based on the nature of the site's habitats the submitted information is sufficient to make a judgement on the principle of development, and to suggest conditions to secure a development that complies with biodiversity policies. The site is unlikely to support important ecological features or protected species other than birds. Impacts upon birds can be mitigated and enhancements can be included to support priority species. There is a significant opportunity through landscape and layout design to link the site to the wider ecological network. Conditions recommended.

KC Education – Education contribution of £61,777 required.

KC Environmental Health – Agree with findings of the applicant’s site contamination information. Recommend conditions regarding site contamination. If development would have less than 50 residential units, condition recommended requiring vehicle charging points. Construction noise should be limited to specified hours.

KC Landscape – No landscaping information submitted. Development should preserve and enhance the site’s landscape setting, and should not adversely affect the character of the area. Existing public right of way runs along site’s boundary, and good visibility will be required for secure by design reasons. Full details of landscape proposals and a detailed layout for the public open space are required. Landscaped verges, mitigative buffer zones and screen planting are not considered public open space unless they are fully accessible and useable as such. 25 residential units would trigger a requirement for 750sqm of public open space within which there should be a Local Area of Play with its own associated commuted sum. Proposed area of public open space would equate to approximately 247sqm, and is insufficient. Although overlooked by proposed dwellings, this area may be too small and too close to residential properties to accommodate a playspace. Total public open space and playspace contribution of £88,951 would be required. Tree planting required. Bin storage locations should be confirmed. Detailed advice regarding landscaping provided.

KC Strategic Housing – Within Huddersfield South there is a need for affordable 1- and 2-bedroom units and a greater need for affordable 3-bedroom (and larger) properties. There is also a need for affordable 1- and 2-bedroom homes specifically for older people. The area has a lower level of home ownership (60%) compared with other areas of Kirklees. 20% of homes are rented privately, and 20% are affordable (social) housing. Kirklees’s interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions.

KC Public Rights of Way – Footpath HUD/100/10 runs adjacent to and is outside (to the east of) the site. Public rights may have been established along the unmade path that crosses the site. The indicative scheme would retain public access along an alternative line – any public rights which may have been established would only be changed by formal legal order or similar legal event. Support pedestrian link between footpath HUD/100/10 and the new internal road. Condition 10 of the 2014 permission should be reapplied.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 This greenfield site was allocated for housing in the UDP in 1999 (site reference: H7.26), and the allocation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. The allocation has been carried through to the draft Local Plan (site reference: H551), and this proposed allocation has not been the subject of significant objections. Full weight can be given to the longstanding UDP allocation, and significant weight can be given to the allocation in the emerging Local Plan.
- 10.2 Outline planning permission for residential development at this site has previously been approved by the council in 1988, 1991 and 2015.
- 10.3 A proposed site layout plan (13-D54-02 rev E) has been submitted, however the applicant has stated that this is indicative, and approval of a specific number of residential units is not sought.
- 10.4 Without having regard to the applicant's indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to highways safety, gradients, drainage, open space, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (reserved matters) application stage. Noting that the site is within an existing residential settlement with reasonably good access to public transport and other facilities, and having regard to paragraph 11 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.
- 10.5 It is noted, however, that the indicative quantum of development (25 units are shown on drawing 13-D54-02 rev E) suggested by the applicant would not be approved under this application. The site's constraints and opportunities would determine what number of units would be possible at detailed (reserved matters) stage, and this number may be different to the suggested 25.

### Urban design issues

- 10.6 The application site is sloped (increasing its visibility when viewed from the north), has an 80m long (approximately) public frontage along footpath HUD/100/10, and currently provides some green relief to the built-up areas to the east of Huddersfield, however it has a limited street frontage, and is not a significant landscape feature that heavily influences the character of Dalton. The site is surrounded by existing residential development, and development at this site would not constitute a major urban extension to an existing settlement, nor would development here significantly alter the character of the area.
- 10.7 There are no designated heritage assets within, covering or close to the site.



- 10.8 As the proposed site layout plan submitted by the applicant is only indicative, no further consideration is necessary at this outline stage in relation to townscape, landscaping and other design matters. However, it can be noted at this stage that consideration of these matters would be necessary at reserved matters stage, and that improvements to the applicant's indicative layout are likely to be necessary to address concerns regarding crime and anti-social behaviour, to ensure the setting and treatment of adjacent footpath HUD/100/10 are satisfactory, and to ensure sufficient visual interest and variation of house types is provided.

#### Residential amenity

- 10.9 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved (although some amendments to the applicant's indicative site layout may be necessary to achieve this and to take into account the significant difference in levels across the site and to adjacent land).
- 10.10 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.11 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise or incompatible with existing surrounding uses. The number of vehicle movements along Holme Avenue, Crest Avenue and other streets would increase, but not to levels unusual for a street of this size and character.
- 10.12 There are considered to be no reasons why new dwellings at the application site could not be provided with adequate levels of amenity, including in relation to natural light, privacy and outlook.

#### Highway issues

- 10.13 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Chapter 9 of the NPPF requires the council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.14 During the life of the current application, the applicant provided an amended site layout plan, showing 2m wide footways at the site entrance. The applicant has also agreed to amend gradients at the site entrance so they are a minimum of 1:25 for the first 10m, and a further amended drawing reflecting this is expected. The applicant's tracking diagram confirms that a 11.85m long refuse vehicle would be able to move in and out of the site via the proposed point of access.

- 10.15 No recorded or claimed rights of way run through the application site, however it is crossed by an informal footpath, and public rights may subsist over this route. This possibility is not a reason to withhold outline planning permission, however any public rights which may have been established would only be changed by formal legal order or similar legal event. The council's Public Rights of Way team have advised that a condition of the previous planning permission for this site be reapplied – this condition required details of works adjacent to footpath HUD/100/10, which runs along the site's east boundary.
- 10.16 In light of the above, and given that outline planning permission is sought only for the principle of residential development and the point of access to the site (and approval of a specified number of units and/or the submitted indicative layout is not sought), highways matters need not be considered further at this stage. Accurate trip generation figures would be provided at reserved matters stage (if outline permission is granted), when a specific number of residential units would be proposed by the applicant.

#### Drainage issues

- 10.17 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment is not required, and would not be required at reserved matters stage. The applicant has, however, submitted a Drainage Strategy, which states that surface water is likely to be disposed of via the public sewer in Holme Avenue (and limited to a discharge rate of 3.5l/s), that on-site surface water attenuation would be required, and that foul water would be disposed of via the combined sewer in Holme Avenue and/or the foul sewer in Lincroft Avenue.
- 10.18 At this outline stage, the application has not attracted objections from the Lead Local Flood Authority or Yorkshire Water, however appropriate conditions have been recommended. These are listed under section 12 of this report.

#### Ecological considerations

- 10.19 The application site is not subject to any adopted designations or allocations in relation to ecology, however one resident has stated that bats roost in the area, the site is undeveloped greenfield land (and would therefore provide at least some habitat), and the applicant has submitted a Preliminary Ecological Site Appraisal. This report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF.

## Trees

- 10.20 No Tree Preservation Orders cover the application site. The site is partly overgrown with self-seeded trees and shrubs, however these are not mature, are not of significant amenity value, and are not considered worthy of protection. The loss of the site's trees would not conflict with UDP policy NE9 (which states that mature trees should normally be retained) or policy PLP33 in the emerging Local Plan (which states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity value, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network). Redevelopment of the site in fact provides an opportunity to secure the planting of trees in appropriate locations where they would be capable of providing public amenity benefits.
- 10.21 There are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

## Representations

- 10.22 Representations have been received from the occupants of two properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.
- Construction noise, dust and pollution – These potential impacts can be controlled through the implementation of a Construction Management Plan, which would be secured via a recommended condition.

## Planning obligations

- 10.23 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.24 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 0.68 hectares. The indicative 25 residential units currently illustrated would trigger a requirement for 750sqm of public open space, and within this a Local Area of Play would need to be provided. The area of on-site public open space currently proposed would equate to approximately 247sqm, and is considered insufficient. Furthermore, although this space would be overlooked by proposed dwellings, it may be too small and too close to residential properties to accommodate a playspace. Given the constraints of the site, it is likely that a contribution towards off-site public open space and playspace would be considered more appropriate at reserved matters stage, and the total contribution required is likely to exceed the £88,951 quoted by officers with reference to applicant's current indicative layout. At outline stage, a condition can be imposed requiring the provision of public open space.

- 10.25 The council's Education department were consulted and commented that a contribution of £61,777 would be required, based on the applicant's current indicative layout which illustrates 25 residential units. Following further design work, however, the unit number proposed at reserved matters stage may trigger the need for a larger or smaller contribution, and an appropriate condition is recommended.
- 10.26 Based on the applicant's indicative scheme of 25 dwellings, Highways Development Management officers have identified a need for funding of a package of sustainable travel measures to encourage the use of sustainable transport – the contribution appropriate for this development would be £14,850 for MetroCards. Again, however, the unit number proposed at reserved matters stage may trigger the need for a larger or smaller contribution. At outline stage an appropriate condition is recommended to address this matter.

#### Other matters

- 10.27 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.28 The proposed development would involve the removal of trees and shrubs and would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed to encourage the use of sustainable and low-emission modes of transport, may be required at reserved matters stage.

### **11.0 CONCLUSION**

- 11.1 The site is allocated for housing in both the UDP (saved policies) and the emerging Local Plan, and outline planning permission for residential development at this site has previously been approved. The principle of residential development at this site remains acceptable.
- 11.2 The site is constrained by existing residential properties nearby, drainage, and topography. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.
- 11.3 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.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) 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. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Details of retaining walls
6. Visibility splays
7. Details of junction works
8. Travel plan
9. Details of internal road(s)
10. Details of works adjacent to footpath HUD/100/10
11. Construction management
12. Ecology
13. Drainage
14. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
15. Public Open Space
16. Education
17. Sustainable transport package
18. Noise Report
19. Contamination Reports
20. Drainage and Yorkshire Water conditions
21. Landscaping
22. Bat and bird boxes

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91119>

Certificate of Ownership – Certificate A signed