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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 24-Jan-2019**

**Subject: Planning Application 2018/92935 Outline application for erection of residential development land adj, former Gees Garage, New Hey Road, Outlane, Huddersfield, HD3 3YJ**

**APPLICANT**

HD3 Developments Ltd

**DATE VALID**

12-Sep-2018

**TARGET DATE**

07-Nov-2018

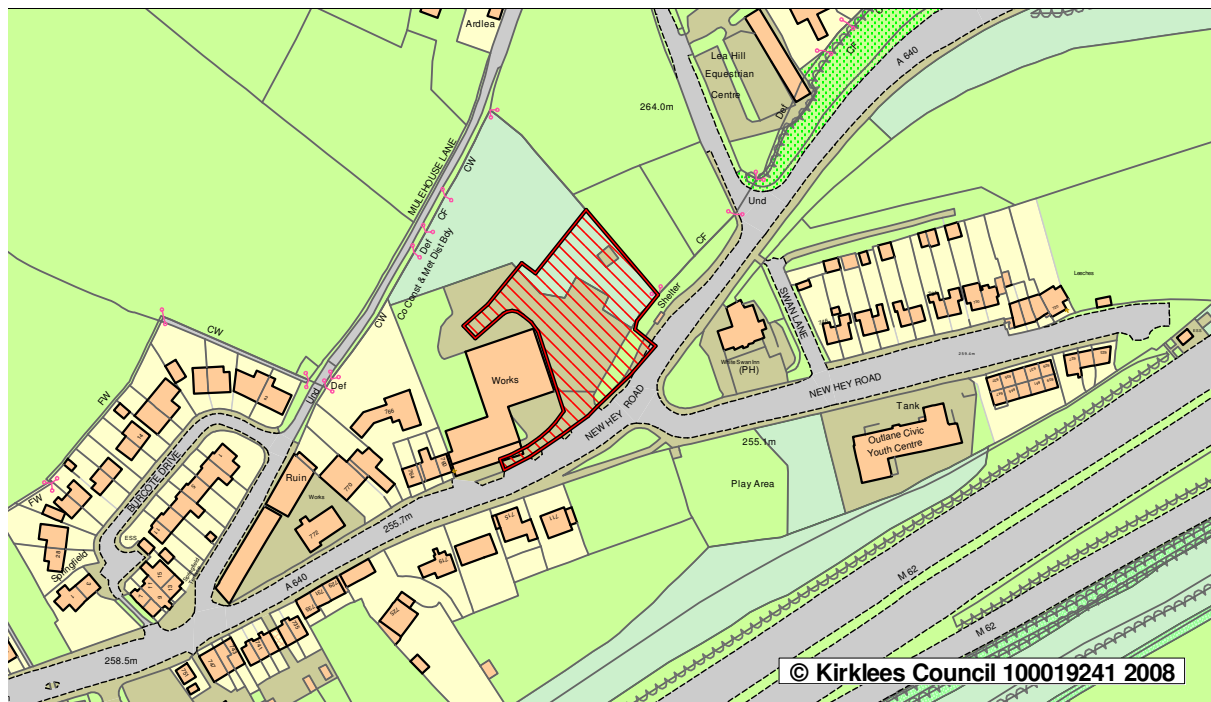
**EXTENSION EXPIRY DATE**

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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: Colne Valley**

Yes

Ward Members consulted

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

*Ensure that infrastructure and planning obligation requirements relating to planning applications 2018/92934 and 2018/92935 are considered and delivered cumulatively in order to accord with policy PLP5 of the Kirklees Publication Draft Local Plan.*

*Planning obligations to include:*

- Education contribution
- Affordable housing (20% of the total number of units)
- Public Open Space (including provision for a Local Area of Play)

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 The application is brought forward to the Huddersfield Planning Sub-Committee on the basis that the proposal is intrinsically linked to planning application 2018/92934 as it forms part of the same development masterplan and falls within the same emerging site allocation.
- 1.2 The application forms part of a wider masterplan relating to the entire housing allocation in the emerging Local Plan. A separate application has been submitted to develop the remainder of the emerging allocation (2018/92934) which is also under consideration at this committee.

- 1.3 The application was deferred at the Huddersfield Sub Committee on the 13<sup>th</sup> December 2018 at the applicant's request to address outstanding highways and drainage matters. Since the last committee officers have been negotiating with the applicant on highway issues and as a result the applicant has submitted a plan showing revised visibility splays and a plan showing tracking for the largest type of refuse vehicle. The applicant has also commissioned a Road Safety Audit.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site is immediately adjacent to the A640 New Hey Road. The application site covers an area of under 0.3 hectares. Most of the site comprises previously developed brownfield land that was occupied by Gees Garages. The garage buildings are still in situ on the site. The site is not allocated in the Kirklees Unitary Development Plan, but is part of a larger Housing Allocation within the emerging Local Plan (Ref: H2652). The emerging Local Plan identifies the whole allocation as having a capacity of 29 dwellings. This application site forms the northern-most parcel of land within the emerging allocation.
- 2.2 The site is relatively flat, but the land rises to the west beyond the site boundary. The land rises more steeply to the east.
- 2.3 To the east and north is open agricultural land, with extensive views over Calderdale to the north. To the west is medium to high density residential development, that extends to the west forming the linear settlement of Outlane.
- 2.4 To the rear of the site is Mulehouse Lane, which forms the administrative boundary between Calderdale and Kirklees. Beyond that is open agricultural land located in the Green Belt.

## **3.0 PROPOSAL:**

- 3.1 The application has been submitted in outline form with all matters reserved except for access.
- 3.2 An indicative layout accompanies the submission showing how the roads and dwellings could potentially be laid out and indicates that 7 dwellings would be provided on site.
- 3.3 A masterplan drawing has been submitted detailing how this proposal fits with application 2018/92935. The adjacent proposal includes 20 dwellings being accessed from the same point of access.

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

- 4.1 92/00807 – Use of land and buildings for storage of transmission line equipment and plant – approve.

92/03754 – Renewal of temporary permission for use of land and buildings for storage of transmission line equipment and plant – approve.

94/91452 – Outline application for erection of hotel – refused

Application on site adjacent within the same emerging allocation:

2018/92934 – Outline application for residential development – application adjacent being considered at this committee.

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

5.1 Following a request by officers the applicant has submitted supporting highways information and amended details in relation to the proposed access arrangements. The applicant has also submitted a drainage strategy.

**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.

**6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:**

D2 – Land without notation  
H1 - Housing Need  
H10/12 - Affordable Housing  
H18 - Provision of Open Space  
BE1/2 - Design and the Built Environment  
BE12 - New dwellings providing privacy and open space  
BE23 - Crime Prevention Measures  
EP10 - Energy Efficiency  
EP11 – Landscaping  
R13 – Rights of Way and Public Access Areas  
T1 - Sustainable Transport Strategy  
T10 - Highways Safety / Environmental Problems  
T16 - Pedestrian Routes  
T19 - Off Street Parking  
G6 - Contaminated Land

## Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development  
PLP5 - Masterplanning  
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  
PLP35 – Historic Environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP61 – Urban Green Space  
PLP62 – Local Green Space  
PLP63 – New Open Space

### 6.3 Supplementary Planning Guidance:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Planning Practice Guidance

### 6.4 Supplementary Guidance

- Kirklees Landscape Character Assessment (2015)
- Kirklees Local Plan Accepted Site Options – Technical Appraisal – July 2017
- National Planning Policy Framework (2018)

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised on site, in the local press and by way of neighbour letter. A total of 1 representation has been received which can be summarised as follows. They are addressed in the main body of the report unless otherwise stated:

- Although I have no issues with the principle of building on this land, I object to the number of houses being proposed for both this plot and the adjacent plot. I believe the thought behind the traffic management solution is flawed as the proposed exit from the 'new estate' is immediately on the bend just as the speed limit changes from 40 to 30 and cars already speed in excess of this - it is an accident waiting to happen. It should also be noted that at peak times it can take between 5-10 minutes to turn into New Hey Road from the various side streets due to the volume of traffic I am also concerned where excess rain water would drain away as it would no longer be able to sink into the ground - we do not want the same situation occurring on Mulehouse Lane (immediately adjacent to the proposed site) as that on the playing fields just off Lindley Moor Road.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

Lead Local Flood Authority – Objection raised. Further information considered necessary.

KC Highways DM – No objections in principle. Further revised plans submitted 15/1/19 demonstrating tracking for an 11.85m refuse vehicle at the site access and increased visibility splays; these are being assessed and commented on in the committee update. Road Safety Audit awaited for the proposed junction arrangements.

### **8.2 Non-statutory:**

Strategic Housing - there is a significant need for affordable 1-2 bedroom housing, as well as a need for affordable 1-2 bedroom housing for older people specifically. The area has some of the highest priced housing in Kirklees with property prices ranging from around £106,000 to £210,000. A future affordable housing calculation should also involve 2018/92935. Vacant building credit may be applicable.

Landscape – No objection subject to public open space and play equipment being provided.

Environmental Health - I consider that the report makes a satisfactory assessment of the existing noise from road traffic and I largely agree with the recommendations. However, in the absence of a final site layout the proposed mitigation measures cannot at this stage be precisely specified. Therefore a condition is necessary requiring a detailed noise mitigation scheme to be submitted, once the final site layout is decided.

Conditions also recommended regarding contaminated land and electric charging points.

Tree Officer - I've no objection to this proposal. None of the trees are protected and there are no trees which meet the criteria for a new TPO to be served.

Conservation and Design – No objection- There are not considered to be any impacts on any heritage assets arising from the proposal.

Biodiversity Officer – No objection subject to conditions.

Yorkshire Water – No objection subject to a condition.

West Yorkshire Archaeological Advisory Service – No objection.

## 9.0 MAIN ISSUES

Principle of development  
Urban Design issues  
Residential Amenity  
Highways Issues  
Drainage Issues  
Biodiversity and Trees  
Other Issues  
Infrastructure  
Planning Obligations  
Conclusion

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is unallocated (without notation) on the Kirklees Unitary Development Plan. Planning law requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework 2018 (NPPF) is one such material consideration. The starting point in assessing any planning application is, therefore, to ascertain whether or not a proposal accords with the relevant provisions of the development plan, in this case, the saved policies in the Kirklees Unitary Development Plan, 1999 (UDP). If a planning application does not accord with the development plan, then regard should be had as to whether there are other material considerations, including the NPPF, which indicate that planning permission should be granted. The Council are also at an advanced stage in the preparation and adoption of the Local Plan. The Local Plan - Kirklees Publication Draft Local Plan (PDLP) – was submitted for examination in April 2017.
- 10.2 The application site is without notation on the UDP proposals map and it is therefore considered that the principal policy determining the suitability of this proposal with regard to the UDP is D2 which indicates that development on such land will be permitted provided that the proposals do not prejudice:
- i the implementation of proposals in the plan;
  - ii the avoidance of over-development;
  - iii the conservation of energy;
  - iv highway safety;
  - v residential amenity;
  - vi visual amenity;
  - vii the character of the surroundings;
  - viii wildlife interests; and
  - ix the efficient operation of existing and planned infrastructure.
- 10.3 With regard to the Local Plan, the NPPF provides guidance with regard to decision making and the emerging plan (para 48):
- “Local planning authorities may give weight to relevant policies in emerging plans according to:*
- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).” (NPPF, Paragraph 48).*

- 10.4 The site forms part of a larger Housing Allocation in the Kirklees Publication Draft Local Plan (PDLP), allocated under ref H2652. Given that substantial weight is applied to the PDLP and the fact that the site is unallocated in the current UDP, the provision of residential development on this brownfield site is considered acceptable in principle.

#### *Masterplanning*

- 10.5 The proposal is linked to planning application 2018/92934 which is currently under consideration. Both sites would share the same access but the indicative layout for both sites, along with a submitted masterplan drawing, show that the scheme has been comprehensively planned. In accordance with PLP5 of the PDLP infrastructure should be provided based on the quantum of development covering the entire allocation and this could be secured by S106 agreement.

#### Urban Design issues

- 10.6 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is in keeping with any surrounding development. Policy BE11 of the UDP requires that new development should be constructed in natural stone of a similar colour and texture to that prevailing in the area. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.
- 10.7 The character of the surrounding area in terms of layout and appearance is not regimented. Whilst houses are generally no more than two storeys in height, their relationship with New Hey Road differs quite substantially. There is a mix of materials, roof forms, age, vernacular and scale. Whilst there are elevated views of the site from surrounding roads (such as Swan Lane); the development would largely be visible against the backdrop of existing urban development.
- 10.8 Given this is an outline application, it is not considered necessary to impose any specific design code/requirement as part of the outline consent. The reserved matters submission(s) will be assessed against the street scene and character and appearance of the area.
- 10.9 The submitted indicative plans demonstrate that the site can be comprehensively developed without conflicting with design policies. The application is considered to comply with policies BE1 and BE2 of the UDP and policy PLP24 of the PDLP.



### Residential Amenity

- 10.10 Policy BE12 of the UDP provides guidance on appropriate separate distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.
- 10.11 The site does not lie in close proximity of any existing properties. In any event, impacts on residential amenity would be fully assessed at reserved matters stage.

### Highway issues

- 10.12 The overall proposed redevelopment of the site will be served via a new radii junction on to the A640 New Hey Road. The new junction will be positioned central to the southern boundary to maximise the available sightlines in both directions and the existing access points will be permanently closed and the footway reinstated.
- 10.13 Highways DM raise no objection in terms of the impact the development would have the capacity of the existing network as it would not significantly add to any congestion.
- 10.14 Officers have requested additional information relating to a number of matters, including a tracking plan for an 11.85m refuse vehicle at the site access, acceptable sightlines to the east and to the west of the access along with a Road Safety Audit for the proposed junction arrangements. Revised details of the vehicle tracking and sightlines have recently been submitted and are being considered by Highways Development Management. The applicant has also confirmed that a Road Safety Audit will be provided in advance of the committee meeting for officers to assess. An update will be provided to members on these matters.

### Drainage issues

- 10.15 The application site falls within Flood Zone 1 which is the lowest risk area, with the risk of a river flooding event assessed as having a less than a 1 in 1000 annual probability. The application does not meet the criteria for requiring a Flood Risk Assessment although in combination with the application on the remainder of the allocation (2018/92935) the development does meet one of the thresholds (site area over 1 hectare).
- 10.16 A drainage strategy has been submitted that involves the use of a soakaway. The Lead Local Flood Authority (LLFA) has raised numerous concerns with the submitted details.
- 10.17 The application site is part of a housing allocation within the emerging Local Plan. The principle of developing the site for housing has therefore already been assessed as being acceptable, including from a flood risk and drainage perspective. The application is in outline form with the point of access the only matter to be considered; it is only the principle of development and the access arrangements that fall to be considered. Notwithstanding the LLFA's concerns with the submitted drainage strategy, officers are satisfied that an acceptable drainage strategy can be found for this site and that conditions relating to detailed drainage design would adequately address the LLFA's objection. On this basis the reason for deferring the application on drainage grounds at the previous committee is considered to have been resolved.

## Biodiversity and Trees

- 10.18 A Preliminary Ecological Appraisal Report has been submitted in support of the application. The report indicates that the majority of habitats present on site are not classed as important. A net biodiversity gain has not been demonstrated, but there is scope to provide sufficient enhancements within the scheme. The biodiversity officer recommends the imposition of conditions in order that biodiversity gain is incorporated into the reserved matters submission(s).
- 10.19 At this stage the proposals have been designed in accordance with the mitigation hierarchy set out in NPPF and KPDLP policy PLP 30.
- 10.20 In terms of trees the specimens on site are relatively young or species which are not worthy of protection. The tree officer raises no objection to tree removal on this site but full details of tree impact would be provided as part of any subsequent reserved matters.

## Other Issues

- 10.21 Due to the previous use of this site it is likely that the site will be contaminated to some degree. Conditions are recommended to deal with contaminated land. This proposal would accord with UDP policy G6, KPDLP policy PLP 53 and Section 15 of the NPPF.
- 10.22 The applicant has carried out a noise survey which considers noise mitigation measures. Given that the proposal has been submitted in outline form, the acceptability of the scheme will largely be dictated by the layout. Consequently noise conditions relating to the layout are recommended.

## Infrastructure

- 10.23 There is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. However, PLP49 of the PDLP identifies Educational and Health impacts as an important consideration. Additionally, PDLP policy PLP4 Providing Infrastructure requires developments to provide new infrastructure, where it is needed, in line with the appropriate phase of development. PLP5 Masterplanning Sites also requires that health facilities should be incorporated (proportionate to the scale of development), where required.
- 10.24 As part of the development of the Local Plan evidence base, an ongoing infrastructure planning process has considered the impact of future growth on health infrastructure, summarised in the Infrastructure Delivery Plan (IDP) 2015 and IDP Addendum 2016. This is an on-going process and will be monitored and updated alongside the Local Plan. It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population, with direct funding provided by the NHS for GP practices / health centres based on an increase in registrations.
- 10.25 There is no policy basis on which to seek a contribution to health services at this time.

## Planning Obligations

10.26 Planning obligations are sought across the entire masterplan site (2018/92934 and 2018/92935) in order to comply with policy PLP5 of the PDLP. In accordance with para 59 of the NPPF planning obligations should only be sought where they meet the following three tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

### *Education Provision*

10.91 Based on the indicative number of dwellings the development would not meet the trigger for an education contribution however when combined with the separate application on the remainder of the emerging housing allocation it is likely that the 25 dwelling threshold would be met. The level of contribution would be dependent on the number of dwellings that come forward on the allocation.

### *Public Open Space*

10.92 Policy H18 of the UDP requires 30sqm of Public Open Space per dwelling on development sites in excess of 0.4 hectares. POS would be considered in the final layout and conditions are recommended relating to this.

### *Affordable Housing*

10.94 The Council's Interim Affordable Housing Policy requires that 20% of units are secured as affordable housing. This would be conditioned so that details are submitted with the subsequent reserved matters so they can be successfully incorporated into the layout.

## **11.0 CONCLUSION**

11.1 The site lies on unallocated land in the UDP. In the PDLP the site forms part of a wider Housing Allocation. The proposed development is therefore considered to represent an acceptable form of development in principle.

11.2 Most of the matters which require consideration over and above the principle of development are reserved for future consideration and would be considered as part of any reserved matters.

11.3 Highways have no objection in principle to the proposed development, subject to assessment of the revised details for the access arrangements and submission and consideration of the Road Safety Audit.

11.4 All other matters have been properly addressed and subject to conditions and a S106 relating to education, affordable housing and POS the proposed development is considered to represent an acceptable, sustainable form of development.

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

1. Standard conditions for outline permissions (4x conditions)
2. Affordable Housing with reserved matters
3. Noise attenuation with reserved matters
4. Ecology with reserved matters
5. Public open space with reserved matters
6. Construction management plan
7. Electric charging points
8. Contaminated land conditions
9. Details of any earthworks to be provided along with land levels at reserved matters
10. Crime Impact Assessment with reserved matters
11. Detailed drainage design

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92935>

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