
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 05-Dec-2019

Subject: Planning Application 2019/92710 Reserved matters application pursuant to outline permission 2017/93347 for erection of 32 dwellings land off, Fieldhead Lane, Birstall, Batley

APPLICANT

Stonewater Housing
Association

DATE VALID

13-Aug-2019

TARGET DATE

12-Nov-2019

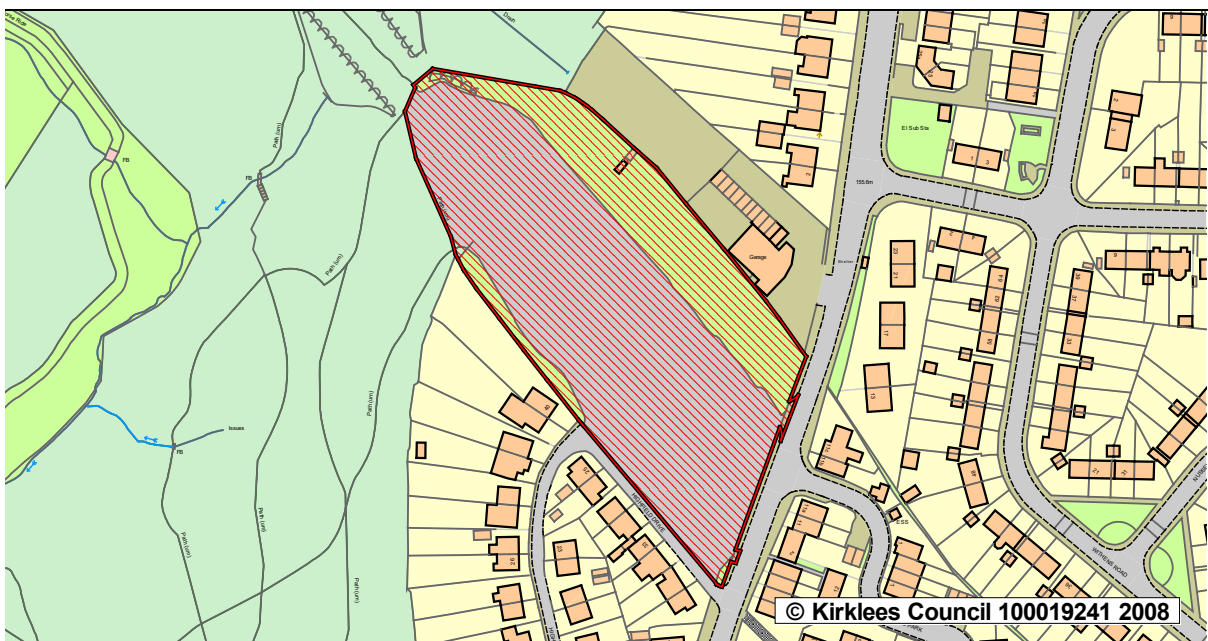
EXTENSION EXPIRY DATE

10-Dec-2019

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<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: Birstall and Birkenshaw

Yes

Ward Members consulted

RECOMMENDATION:

DELEGATE approval of this reserved matters application and the issuing of the decision notice to the Head of Planning and Development in order to:

- **Secure the signing of a Section 106 Agreement to cover:**
 - **the provision and future maintenance of the 32 affordable houses;**
 - **provision and subsequent maintenance of the Public Open Space provided within the site**
- **Complete the list of all necessary and appropriate conditions, including those set out in this report**

1.0 INTRODUCTION

1.1 This application is brought to the Heavy Woollen Planning Sub-Committee at the request of Ward Councillor Elizabeth Smaje for the reasons set out below:

“I would like this application referred to sub-committee and a site visit arranged so that committee members can see the closeness and height of the existing properties that would have a visual and light impact on existing properties”.

1.2 The Chair of the Sub-Committee has confirmed that Cllr Smaje’s reasons for referral to committee are valid having regard to the Councillor’s Protocol for Planning Committees.

2.0 SITE AND SURROUNDINGS

2.1 The site comprises an area of 1.05 Ha, roughly rectangular in shape, and is located on the western side of Field Head Road, Birstall. The site is a disused railway viaduct that has been backfilled. To the north of the site is a car repair and MOT centre, and to the south residential properties on Highfield Drive. The dwellings on Highfield Drive are at a lower level than the application site

2.2 To the west of the site is the Oakwell Country Park. The site is self-seeded, and also contains a number of mature trees, to the west that are part of a larger group Tree Preservation Order, that extends over large areas of Oakwell Country Park. The frontage onto Fieldhead Road, currently comprises a brick wall approx 1.5m in height.

- 2.3 The site is allocated for housing on the Kirklees Local Plan with a requirement that a cycle / pedestrian route be provided across the site.

3.0 PROPOSAL:

- 3.1 Reserved Matters approval is sought for the erection of 32 dwellings, located on the western side of Field Head Lane, Birstall. An outline application has been approved (2017/93347), as has the access point. The reserved matters applied for are: layout, scale, appearance and landscaping.
- 3.2 The scheme is for 100% affordable housing with 32no. 2 and 3 bed dwellings of which 24 will be for affordable rent, and 8 for shared ownership.
- 3.3 The access is taken off Field Head Lane (at the outline stage an illustrative layout showed two potential access points, but this has now been reduced to a single access point). The access extends to the west towards the tree line with Oakwell Park, with a number of drives serving terraced and semi-detached properties on the south and north-west of the site which present gables onto the road. To the north of the access road the dwellings face onto the access road. The proposal provides for 3no. pairs of semi-detached dwellings facing onto Field Head Lane, to the south of the access point, and the gable end of dwellings to the north.
- 3.4 At the top of the vehicular access point a cycle link point that connects to the informal link that descends the wooded slope into Oakwell Park is proposed. The trees on the slope are protected as well as being within the application site. These trees are to be retained as part of the scheme.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2017/93347 Outline application for residential - access approved
- 4.2 2019/91089 - Discharge of condition - approved
- 4.3 2019/91727 - Discharge of Condition - approved

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 Additional information and sections were sought and provided during the course of the application.
- 5.2 Discussions with applicants and Oakwell Hall regarding the location of the cycle path, and how / where it links into the Oakwell Country Park.
- 5.3 Measures to protect the TPO'd trees provided and agreed.

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 statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

6.2 The site is allocated for Housing on the Kirklees Local Plan.

6.3 Kirklees Local Plan (2019):

- LP3 - Location of new development
- LP7 - Efficient and effective use of land and buildings
- LP11 - Housing mix and affordable housing
- LP20 - Sustainable travel
- LP21 - Highway safety and access
- LP22 - Parking
- LP23 - Core walking and cycling network
- LP24 - Design
- LP27 - Flood Risk
- LP28 - Drainage
- LP30 - Bio diversity and geodiversity
- LP32 - Landscape
- LP33 -Trees
- LP49 - Education and health needs
- LP63 - New open space

6.4 National Planning Policy Framework (NPPF):

- 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 spaces
- Chapter 14** - Meeting the challenge of climate change, flooding and coastal change.
- Chapter 15** - Conserving and enhancing the natural environment.

6.5 Supplementary Planning Guidance / Documents:

- Interim Affordable Housing Policy (2016)
- Highways Design Guide SPD
- Planning Practice Guidance
- National Design Guide

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by neighbour letters and site notices (and the time period for receipt of responses extended until October 1st 2019)

7.2 Ward Members have been notified.

7.3 To date there have been 3 representations, two objecting and one in support.

7.4 The two objections are summarised as follows:

- The proximity of the new dwellings, and their gables to the existing dwellings on Highfield Drive would have an adverse effect on residential amenity and result in loss of light.
- Field Head Lane already suffers from vehicle overload and people park in front of the site and also partly on the pavement. Additional traffic generated by this development will exacerbate this situation.
- The cycle pathway down to Oakwell Country Park should be located adjacent Highfield Drive, in between any development and the existing properties on Highfield Drive.
- Hopes that every effort will be made to retain as many of the trees and vegetation in situ.

7.5 The letter of support is summarised as follows:

- The propose route for a footpath into Oakwell Park indicate on the plan looks like a good option. It has least impact on the layout plan of the new houses, and its route would have least proximity to most properties in the new layout. The current well used footpath goes directly through the middle of the field (and so would be in the middle of the new development) and enters the park at the tree line, next to the tip of a Highfield Drives property's garden. A narrow high fenced path alongside Highfield Drive would become a loitering area, and dogs mess alley.

7.6 Cllr Elizabeth Smaje has made the following comments in relation to the proposals:

- As the height of the land is slightly higher than Highfield Drive I am concerned about the closeness of the new properties in particular the height of the three storey houses so close to existing properties is not acceptable. Highfield Drive itself is narrow and therefore the existing properties will be close the boundary of the new development. If new properties are higher than existing this is going to have an impact on visual impact and light.
- Boundary treatment is specified as fencing but there are existing trees that form a boundary for some of Highfield Drive now. Are trees going to be put back for those that are removed?
- Please ensure that public spaces are well lit and overlooked. The very real concern for the potential for ASB issues in the future needs to be taken into account. In relation to the footpath, please do not design in problems for the future. The footpath should be lit and motor bikes/quad bikes should not be able to get through. This does not seem to have been taken into consideration at all.
- The plans mention a "potential land grab", is this taken into consideration by planners and allowed?
- I note that there are no comments by Highways and would ask why?

- The matter in relation to highway work that was raised at outline in providing measures to slow traffic down on Fieldhead Lane does not appear to have been taken into consideration. There are a number of estate roads close to this new estate and the speed of vehicles travelling on Fieldhead Lane should be reduced. Fieldhead Lane is used by traffic trying to bypass J27 so is already very busy.
- If the above issues cannot be dealt with by planning officers and officers are minded to approve, I would like this application referred to sub-committee and a site visit arranged so that committee members can see the closeness and height of the existing properties that would have a visual and light impact on existing properties

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

KC Highways Development Management – The layout is considered to be satisfactory from a highway safety perspective, subject to some clarification on minor points which shall be addressed and reported in the update. Sufficient parking would be provided within the site to serve the development. Further details of the pedestrian/cycle route advised to be conditioned.

8.2 Non-statutory:

KC Ecologist - A condition requiring submission of biodiversity enhancement opportunities ie. bat and bird roost opportunities still required via the outline application.

KC Trees - No objections recommend conditions for protection of the trees during construction via a Method Statement.

KC Strategic Housing - Affordable housing policy requires 20% provision. Clearly 100% provision is welcome, as is the mix of tenure. Support this application.

KC Landscape and Parks - A development of this scale would normally generate the need for a LAP, plus other amenity and greenspace. An off-site lump sum of £57,523.00 would be required. Whilst the adjoining Oakwell Park is of high quality, it would be appropriate towards the proposed pathway/cycle link, and its connection with the existing circulation routes in the Oakwell Park including footpaths and bike trails. Improved landscaping within the site and street scene is required.

Police Architectural Liaison Officer – No fundamental objections to the plan. Attention needed to boundary treatments, and lighting, and to secure measures to prevent a misuse of the proposed pedestrian / cycle way.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highways Issues
- landscape Issues
- Section 106 issues

10.0 APPRAISAL

Principle /Policy

- 10.1 The site already has the benefit of an outline residential approval (referenced 2017/93347), and is allocated for housing in the adopted Local Plan. As such there is no objection to the site being developed for residential purposes. The current application is for Reserved Matters associated with the above referenced outline application.
- 10.2 On the outline approval conditions were added requiring the provision of both affordable housing and public open space within the scheme.
- 10.3 The scheme provides 32 no dwellings, all of which are affordable houses with 24 for affordable rent and 8 for shared ownership. The Council's adopted policy on affordable housing would require 20% provision ie. 6 in this case. As such, the scheme satisfies policy LP11 of the KLP, both in terms of quantity of units and mix of tenure.
- 10.4 The scheme makes provision for public open space (retaining the wooded slope at the western side of the site down into Oakwell Park), as well as a cycle path link from the site into Oakwell Park. The requirement for this link is included within the site allocation constraints in the Local Plan, and was previously indicated for such in the Unitary Development Plan, as well as a specific condition on the Outline approval. In addition to the requirement in the allocation policy LP23 of the KLP "Core walking and Cycling Network" is relevant.
- 10.5 The retention of the protected trees on the slope is welcome, and makes a contribution towards open space provision, however an off-site financial contribution of £57,523, would be required to accord with policy LP63 of the KLP. Utilising this contribution towards the improvement of the cycle link to the existing cycle and footpath network within the Oakwell Country Park would accord with policies LP63 (New Open Space) and LP23 (Core Walking and Cycling network" of the KLP.
(NB: The location of the cycle way is addressed below as part of the consideration of the layout and impacts on residential amenity and landscape issues.).
- 10.6 Local Plan policy LP7 seeks to ensure the efficient and effective use of land and buildings.

- 10.7 In this case, the site has a total area of 1.04 Ha, and the application seeks 32 dwellings ie. gross density just under 32 dwellings per Ha. Whilst the site is 1.04 Ha, this includes the wooded slope containing trees that are protected by a Tree Preservation Order. As such, the developable area of the site is actually just under 0.8 Ha which delivers a density of 40 dwellings per Ha.

NOTE: The outline application established the principle of residential development on this site, along with the total number of dwellings as well as the access point(s). A full assessment will be set out in the main agenda covering the remaining matters:-

Urban Design issues

- 10.8 This proposal is for Reserved Matters, and the issues of layout, scale, appearance and landscaping are all applied for at this stage.
- 10.9 The layout provides for a single vehicular access, as opposed to the previously requested two. As such, this enables a scheme providing an active frontage onto the road, following the demolition of the existing wall. The dwellings to the north of the access would be situated at right angles facing onto the access road, entering into the site.
- 10.10 The layout behind the frontage comprises a series of small cul-de-sacs, off the central access road, that links to the wooded hill side descending into Oakwell Park. The layout is considered to be satisfactory with appropriate distances between buildings being proposed, in accordance with policy LP24 of the KLP.
- 10.11 The house types ie. mainly semi-detached with some terraced properties, at the applied for density are comparable to the neighbouring residential areas, to the south and on the opposite side of the road.
- 10.12 The dwellings are two storey and are to be constructed of brick and tile, once again reflecting the scale and appearance of the neighbouring dwellings.
- 10.13 In this case, part of the layout involves the provision of the pedestrian / cycling route. The main access forms the initial part of the route, and then when the route meets the trees on the wooded slope, the route turns left, and then descends along a former track down to Oakwood Park. Adjacent to the "left turn" is an area of open space, with seating and a site for future public art.
- 10.14 The route of the access is a result of site constraints, ie. a very steep slope, and the effect on the minimum number of protected trees, thus retaining the woodland walk effect. Full details of the exact route of the pedestrian / cycle route is advised by officers to be secured via condition.

Residential Amenity

- 10.15 As previously set out, the proposed layout is considered to maintain appropriate distances between buildings and would provide a high standard of amenity for occupiers within and outside of the site. As such, residential privacy should be retained and adequate amenity space provided for the new dwellings. In terms of the relationship of Plot 11 relative to existing properties on Highfield Drive, which are at a lower level than the site, amendments to internal site levels have resulted in an amended scheme with a significantly

reduced finished height for Plot 11. Officers are therefore satisfied that the reduction in the ridge height would minimise impact on occupants of properties on Highfield Drive to an acceptable level. Furthermore, the separation distance between the gable of Plot 11 and dwellings on Highfield Drive is considered to be acceptable.

- 10.16 The other issue that affects the residential amenity of future occupants is the potential noise from the main road, as well as for properties proposed on the northern end of the site, the neighbouring car repair business. The issue of noise mitigation was raised at the outline application stage and is the subject of a condition. The applicant has submitted a noise mitigation strategy for the proposed layout as part of this application. Any agreed measures to the affected future dwellings would be secured via condition.
- 10.17 The main access serving these dwellings would also serve the access from Fieldhead Lane to the pedestrian / cycle route from the top of the cul-de-sac down the wooded slope connecting into Oakwell Park. As such there would be additional pedestrian and cycle traffic, but not sufficient to cause any material disturbance for the occupants of these dwellings. Also the occupants of the new dwellings would have easy access to the Oakwell Park facilities.
- 10.18 In all, the proposals, with appropriate conditions (imposed already at outline stage and as suggested above in terms of this reserved matters application), would provide a high standard of residential amenity for future and neighbouring occupiers, in accordance with the aims of policy LP24 of the KLP and chapter 12 of the NPPF.

Highways Issues

- 10.19 At outline stage the principle of access was agreed and the location. This reserved matters utilises the agreed access point, and includes the provision of a new pedestrian footpath along the site frontage, as required at outline stage. The layout is considered to be satisfactory from a highway safety perspective, subject to some clarification on minor points. This additional information shall be provided and resolved prior to the committee meeting, and included within the update.
- 10.20 There is sufficient parking for this development within the site ie. two spaces per unit, with none of the parking spaces accessed off Fieldhead Lane.
- 10.21 The provision of the pedestrian cycle way is required via the outline permission and to accord with Local Plan policy. The provision through the developed area of the site is satisfactory, however initial drawings showed only a pedestrian route and long sections need to be provided. As such before any dwellings are occupied, as set out at paragraph 10.14 of this report, a scheme to provide appropriate pedestrian / cycle routes between the site and Oakwell Park is recommended to be agreed via condition.
- 10.22 Subject to the receipt of the necessary clarifications, no objections raised subject to conditions, which would include the approval of the final details of the pedestrian / cycleway, a Construction Management Plan and the production of a Travel Plan.

Landscape Issues

- 10.23 Landscaping is a reserved matter on the outline approval, and is submitted for consideration at this point. There are distinct areas of this site: first a level area adjacent to Fieldhead Lane that is a filled area, overgrown, unkempt and suffering from fly tipping. This is the area where the new housing and access are proposed; and second, to the north-west of the site, a steep wooded slope that contains a significant number of trees that are protected. The site as a whole has been used unofficially to access the Oakwell Park, desire lines etc are evident all over the site.
- 10.24 The proposals for the residential area, seeks to retain, where possible, the few trees and shrubs along the northern and southern boundaries, as well as introducing new tree planting along the southern boundary. There are also areas of shrub planting on the gradients between the application site and Highfield Drive. The garden areas of the houses throughout are proposed to be lawned, with the street frontages onto Fieldhead Lane and parking areas throughout the site raised ornamental planting beds. Along the main access road, and at 3 points along the frontage, there are proposed green verges with new tree planting.
- 10.25 It is considered by officers that this scheme is satisfactory and accords with the guidance contained in the Council's Green Streets Initiative.

Pedestrian/Cycle route

- 10.26 The area of wooded slope to the north-west of the site is to be retained, as far as practicable, as woodland. However it is across this part of the site that a pedestrian / cycle route needs to be provided. There are a number of challenges with this ie. the steepness of the slope; the need to safeguard as many trees as possible, and the need for a meaningful connection to the existing network of routes that exist within Oakwell Park.
- 10.27 A pedestrian / cycle route would normally be required to be at least 3 metres wide, with hard surfacing, and relatively straight. The gradients on this site make this virtually impossible to achieve, and to provide a "zigzag" route to accommodate levels would use virtually the whole site, resulting in the loss of all of the trees.
- 10.28 An alternative, which separates the uses, has been negotiated ie. a pedestrian stepped path from the end of the vehicular cul-de-sac, turning to the left and running to the edge of the site along the route of a former track that was in use when the site was an embankment next to the railway line. This connects to a nature trail track in Oakwell Park. Secondly, an informal un-made off road route, compacted with edge protection where necessary. This would also terminate at the nature track in Oakwell Park.
- 10.29 It is considered by officers that this split provision is an appropriate form of the delivery on this site, maintaining as many of the trees as possible, with the pedestrian approach to Oakwell Park via a woodland maintained.
- 10.30 A condition requiring the detailed survey and specification for this option is recommended. It is recommended that the scheme be delegated to officers to approve via discharge of condition, prior to any of the dwellings approved being occupied.

Section 106 matters

- 10.31 This submission is a Reserved Matters application, however the outline approval, which had an indicative layout of the same numbers, contained planning conditions requiring the provision of affordable housing and Public Open Space (POS). As such, a policy compliant submission for 32 residential units would be 20% affordable housing ie. 6 units and the on-site POS already indicated plus an off-site POS contribution of £57,523.00, along with the provision of a pedestrian/cycleway.
- 10.32 The submission/offer is for 100% affordable housing ie. 32 units - 24 affordable rent and 8 shared ownership, and the on-site POS already indicated, as well as the provision of the pedestrian / cycle way ie. the applicants have submitted viability statement that indicates they are not able to deliver the 100% affordable and provide an off-site POS payment of £57,523.
- 10.33 The Housing Growth Section of the Council have confirmed that the submission by Stonewater Housing Association (a non-profit making organisation) in order to achieve 100% affordable housing will be funded by a combination private borrowing and Homes England grant, assessed against a value for money variety of delivery criteria.
- 10.34 Given the circumstances of this scheme, it is considered that, on balance, the additional affordable units provided ie. 24, outweigh the non-provision of the £57,523. It is also noted that in their comments, the Council's Landscape Service have confirmed that it would be appropriate for the off-site sum to be used towards the pedestrian / cycle route given the benefits that would accrue to Oakwell Park.
- 10.35 It is proposed to secure the affordable housing and the provision and on-site maintenance of the POS identified in the scheme via a Section 106 Agreement, as set out in the recommendation.

11.0 CONCLUSION

- 11.1 The principle of residential development has already been accepted on this site following the granting of outline permission and this current reserved matters scheme delivers an efficient use of the site as well as 100% affordable housing which make a useful contribution towards the Council's housing targets and towards the affordable housing needs of the local area.
- 11.2 The scheme retains the bulk of the protected trees on the wooded slope adjacent to Oakwell Park, as well as delivering a pedestrian / cycle access to that site that would be in-keeping with the surroundings.
- 11.3 The scheme is considered to satisfactorily reflect the nature of the surrounding housing, whilst resulting in a visual enhancement from what is a tipped and overgrown piece of land bounded by an engineering brick wall.

- 11.4 The scheme is recommended for approval subject to a section 106 Agreement and appropriate conditions.
- 11.5 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.
- 11.5 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 Planning and Development)

1. Standard Reserved Matters
2. In accordance with approved plans
3. Samples of materials
4. Protection of trees during development
5. Biodiversity enhancement opportunities
- 6 Highways - servicing, parking, maintaining visibility
7. Construction Management Plan
8. Travel Plan
9. Details of pedestrian / cycle route to be agreed and implemented, prior to the occupation of any of the approved dwellings.

NOTE: A number of issues on this site are already covered by existing conditions on the outline, including:

- Contamination and remediation;
- Noise attenuation;
- Drainage

Background Papers:

Application and history files:

Web link to reserved matters application details:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92710>

Web link to original outline application details (2017/93347):

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93347>