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**Report of the Head of Planning and Development**

**HEAVY WOOLLEN PLANNING SUB-COMMITTEE**

**Date: 09-Jan-2020**

**Subject: Planning Application 2019/93659 Erection of 6 bungalows and associated landscaping and parking Land off, Kitson Hill Crescent, Mirfield, WF14 9EW**

**APPLICANT**

S Thompson

**DATE VALID**

07-Nov-2019

**TARGET DATE**

02-Jan-2020

**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: Mirfield**

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 Planning and Development in order to complete the list of conditions including those contained within this report.**

**1.0 INTRODUCTION:**

- 1.1 This application has been brought to the Heavy Woollen Planning Sub-Committee at the request of ward Councillor Martyn Bolt who has stated that *“there are public concerns about access, environmental impact and impact on surrounding properties”*.
- 1.2 The Chair of the Sub-Committee has confirmed that Cllr Bolt’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 application site comprises an area of 0.26 ha, and comprises a level grassed area accessed off Kitson Hill Crescent. The site is flanked by dwellings to the north on Kitson Hill Road, To the west Kitson Hill Crescent, to the east Water Royd Lane, and to the south by a terrace of bungalows on Talbot View.
- 2.2. The access comprises a rough tack that extends along the northern and eastern borders of the site, and a substantial, number of the dwellings that back onto the site have formed accesses, and have garages opening onto this track. There is an electric sub-station, immediately to the north of the access off Kitson Hill Crescent.
- 2.3 There are no trees on site, but a number of mature hedgerows along the northern, western and southern boundaries.
- 2.4. The site is unallocated on the Kirklees Local Plan.

### **3.0 PROPOSAL:**

- 3.1 Full planning permission is sought for the erection of six 2no. bedroom bungalows, accessed off Kitson Hill Crescent via the existing rough track that will be made up to an adoptable courtyard, forming access to the dwellings and turning for refuse vehicles.
- 3.2 The bungalows would be in two blocks, one of four units and one of two, located to the southern part of the site facing onto the access point, and backing onto the communal garden area of Talbot View. There are 12 parking spaces provided plus 2 visitor parking spaces. The existing access points onto the track from the surrounding houses would be unaffected.
- 3.3 The buildings would be constructed of red brick and slate grey tile, and there would be vehicle charging points provided, along with bin collection points.
- 3.4 These are proposed as retirement bungalows for the over 55's.

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 No relevant history

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

- 5.1 This application was the subject of a pre application enquiry which included the Ward members. It was requested that any new layout respect and accommodate the existing access arrangements that have surrounding properties have made onto this a track over the years. These are incorporated in to the submitted scheme.
- 5.2 Some additional clarification has been requested on drainage and highway matter

### **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 27<sup>th</sup> February 2019).

The site is unallocated on the Kirklees Local Plan.

#### **6.2 Kirklees Local Plan (2019):**

- LP3 Location of new development
- LP7 Efficient and effective use of land
- LP11 Housing mix and affordable housing
- LP21 Highways safety and access
- LP22 Parking
- LP24 Design
- LP27 Drainage
- LP32 Landscape
- LP52 Protection and improvement of air quality
- LP53 Contaminated and unstable land

### 6.3 Supplementary Planning Guidance / Documents:

- Supplementary Planning Guidance “Kirklees Highways Design Guide”
- Kirklees Big Build Site Guide- Small Affordable Housing Sites (Sept 2018)
- Mirfield Design Guide (2002)

### 6.4 National Planning Guidance:

- Chapter 2 - Achieving sustainable development
- Chapter 5 - Delivering a sufficient supply of homes
- Chapter 8 - Promoting healthy and safe communities
- Chapter 12 - Achieving well design spaces
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 - Conserving and enhancing the natural environment

6.5. The site is within the Mirfield Neighbourhood Area. There is no made Neighbourhood Development Plan (NDP) within the Neighbourhood Area at present. Furthermore there is no merging NDP to be considered as a material consideration on assessment of this application. Further details on the progress of neighbourhood development plans in the district can be found at: <https://www.kirklees.gov.uk/beta/planning-policy/neighbourhood-planning.aspx>

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

7.1 This application has been publicised in accordance with the Council's Development Management Charter.

7.2. As a result of the Statutory Publicity, four letters of representation have been received. The points raised are summarised as follows:

- Existing dwellings that back onto the site need to be able to access and park their cars as they have done previously;
- There should be no restriction on access/parking during or after any construction;
- This is “typical money grabbing by the Council and quite simply disgusting”
- The provision of the affordable bungalows is supported and there is a need for such accommodation, however the scheme fails to provide sustainable, accessible or safe development in accordance with the NPPF guidance.
- The scheme will devalue property values,
- Site has previously flooded.

7.3 Cllr Vivien Lees Hamilton - Agrees with Cllr Bolt that this should be determined by Committee.

#### 7.4 Mirfield Town Council (MTC):

Cllr Bolt Proposed MTC send the following holding objection to Kirklees. MTC object to the two developments on the grounds of access/design/sustainability and impact in addition object to Land off Kitson Hill Crescent relating to how many houses are currently using the access track as this is not a highway and to email Chief Executive, Strategic Director and Cllr Scott asking what safeguards are there for the occupants of the dwellings and asking what designs are in place for any loss of mobility or extra care living. Clerk to add a date for a response Tuesday 3<sup>rd</sup> December Cllr Naisbett Seconded Vote: All in favour.

(NB: a response was sent before the end of November)

#### 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** – Outstanding matters to be addressed before final agenda

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

**KC Lead Local Flood Authority** - Additional information requested.

**KC Biodiversity officer** – No objections. Biodiversity enhancement and net gain should be sought within the scheme, in accordance with policy LP30 of the Kirklees Local Plan.

**KC Strategic Housing-** Support the proposal, there is a demonstrable shortage of affordable housing on this area, and of this type

**KC Environmental Health** - Recommend conditions

**Police Architectural Liaison Officer** - No objections in principle attention should be paid to the boundary treatments, and lighting of access points and the parking areas,

#### 9.0 **MAIN ISSUES**

- Principle of development
- Visual and residential amenity
- Highways Issues
- Climate Change- drainage
  - biodiversity / landscaping
  - improvements of air quality
- Crime Prevention

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The application site is unallocated on the Kirklees Local Plan, and is not a small open space that is protected under Policy LP61 of the KLP “Urban Green Space”. As such, an alternative use for the site is acceptable subject to not prejudicing any other policies in the Local Plan, and satisfying all relevant material planning considerations.
- 10.2 This site has been identified as a small affordable housing site within the Kirklees Big Build scheme (September 2018). The Big Build identifies 8 small affordable housing sites across the whole district, including this site, as well as a neighbouring site off Fox Royd Drive (application 2019/93660, also being considered on this agenda). There is a stipulation on each of these sites that they provide 100% affordable housing.
- 10.3 The site is surrounded by dwellings on all four sides, and located in a sustainable location with community facilities and shops available on Old Bank Road. Also, the site is well connected to the public transport network. As such, there is no objection to the principle of residential development on this site.
- 10.4 Whilst only comprising of six dwellings, the scheme would make a contribution towards delivering the Council’s housing targets, and also provide affordable housing (affordable rental for over 55’s), satisfying the requirements of policy LP11 of the KLP (“Housing Mix and Affordable housing”).

### Visual and Residential Amenity

- 10.5 As stated above, the site is located within a residential area, and the site is overgrown and unkempt. As such, a residential redevelopment of this site is appropriate and in keeping with the surroundings. The dwellings proposed are bungalows, a terrace of four, and a pair of semi-detached dwellings located on a fairly level area, and respect the scale of the neighbouring buildings, especially the row of bungalows on Talbot View.
- 10.6 The existing rough track that would be used for the shared driveway access would be made up to an adoptable standard with a turning head. A landscape scheme is proposed within the site including the landscaping of the private garden areas, front and back, along with the verges adjacent the shared driveway.
- 10.7 The proposed materials are red brick and tiles, which is consistent with the neighbouring properties and considered to be acceptable in this area.
- 10.8 The terrace of four bungalows is sited facing onto the new access road, and the rear gardens of Kitson Hill Road, and back onto the communal garden area of the Talbot View bungalows. The distance between habitable room windows for existing and proposed dwellings is in excess of 21 m both front and back, and is satisfactory. With the proposed property being bungalows there will be no loss of residential amenity either through loss of privacy or over dominance. The end of this terrace i.e. the gable faces the rear of no. 3 and 5 Kitson Hill Crescent, with an intervening boundary fence.

- 10.9 The pair of semi-detached bungalows would face across the access road to the rear gardens of properties on Water Royd Lane. The distance between the habitable room windows of proposed and existing is in excess of 21m, which is considered an appropriate distance by officers and should not result in any adverse effect on residential amenity via loss of privacy or over dominance. The gable of the pair of semi-detached properties would face the rear of the Talbot View bungalows, but this is a gable with an intervening boundary fence.
- 10.10 It is considered that the relationship between the proposed and existing dwellings is acceptable, and there would be no adverse effect on either visual amenity (rather an enhancement of this existing overgrown and unkempt site), or residential amenity in terms of privacy or over dominance.
- 10.11 The bungalows themselves, internally, are designed and laid out to satisfy both nationally described space standards and Lifetime Homes standards, should the future residents require any adaptations / improvements at a later date.
- 10.12 In all, the proposal is considered acceptable from a visual and residential amenity perspective, in accordance with the aims of policy LP24 of the KLP as well as chapter 12 of the NPPF.

#### Highway issues

- 10.13 The application is for six retirement bungalows, involving the improvement of an existing access already use by some surrounding dwellings to access parking and garages in their rear gardens. There is no objection to the principle of the access and the access can accommodate the increased level of traffic.
- 10.14 The parking provision is considered satisfactorily including visitor parking. The layout is considered generally acceptable, but some amended details and clarification regarding the access and its relationship to the existing sub-station have been requested and will be available at the Committee.
- 10.15 If permission is granted, conditions are recommended including the provision and safeguarding of parking areas, maintenance of visibility splays and a construction management plan

#### Climate Change, including Drainage, Biodiversity / landscaping and improvement of air quality

##### *Drainage*

- 10.16 The site is located within Flood Zone 1 i.e. the area least likely to flood. The applicants have submitted a drainage strategy for the site which is considered to be broadly acceptable. Currently the site is not drained at all, and it is acceptable that the introduction of new build, and roads will necessitate an on-site surface water attenuation system. SUD's drainage is unlikely to be sufficient in its own in this area.
- 10.17 Clarification on the drainage strategy have been requested and will be resolved before the Committee date and reported in the update. It is considered that the drainage issues on this site can be satisfactorily addressed via the imposition of conditions.

### *Bio-diversity/landscaping*

- 10.18 The site is currently a rough grass area of little if any ecological value. There are some hedgerows on the periphery of the site (unaffected by the development) and some grass verge. The verge area is to be retained and additional tree planting provided within the street scene, as well as within the rear gardens of a number of the new bungalows. This represents an improvement in the level of tree cover on the site and together with a specific condition requiring the introduction, where feasible, of additional bird and bat roost opportunities, the scheme would deliver a biodiversity enhancement in accordance with the requirements of policy LP30 of the Kirklees Local Plan and chapter 15 of the NPPF.

### *Improving air quality*

- 10.19 The proposal is classed as a minor proposal in the West Yorkshire Low Emissions Strategy, requiring the provision vehicle charging points. The proposal provides charging points for each dwelling.

### *Climate Change*

- 10.20 Chapter 12 of the KLP relates to climate change and states that “Effective spatial planning is an important part of a successful response to climate change as it can influence the delivery of appropriately sited green infrastructure and the emission of greenhouse gases. Planning can also help increase resilience to climate change impact through the location, mix and design of development”. This is also reflected in the NPPF as a core land use planning principle. The NPPF emphasis that responding to climate change is central to economic, social and environmental dimensions of sustainable development. This application has been assessed taking into account the requirements summarised and provides opportunity for development that is considered to meet the dimensions of sustainable development. Furthermore, the inclusion of electric vehicle charging point(s) to serve the development, which is recommended to be secured via condition, would contribute positively to the aims of climate change.

### *Crime Prevention*

- 10.21 The site is currently an open, unlit back land area with no natural supervision. The layout affords natural supervision for the whole of the site, including the new parking areas. The access way will be made up to adoptable standards which should include street lighting which will benefit site security.
- 10.22 There are no shared access to the rear of dwellings or communal parking courts, which is welcome the boundary fencing between existing and proposed properties should be at least 1.8 m high and of robust construction. No objections are raised to this scheme.



## **11.0 CONCLUSION**

- 11.1 The proposal represents a sustainable development delivering much needed housing within a built up area, as well as partially filling a gap in the shortfall of affordable housing in the area, especially affordable rental for over 55's.
- 11.2 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.3 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. Development commence within 3 years
2. Build in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Drainage details to be implemented
6. Landscape scheme to be submitted
7. Electric Charging Vehicle points
8. Decontamination and remediation
9. Highways conditions
  - surface parking
  - maintain visibility splay
  - construction management plan
  - bin store location/ collection points
10. Remove permitted development rights for any extensions
11. Improved bird and bat roost opportunities.

### **Background Papers:**

Application and history files -

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f93659>

Certificate of Ownership – Notice served on/ or Certificate A signed and dated  
24/10/2019