
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 09-Jan-2020

Subject: Planning Application 2019/93660 Erection of 4 bungalows Land off, Fox Royd Drive, Mirfield, WF14 9ER

APPLICANT

Thompson

DATE VALID

13-Nov-2019

TARGET DATE

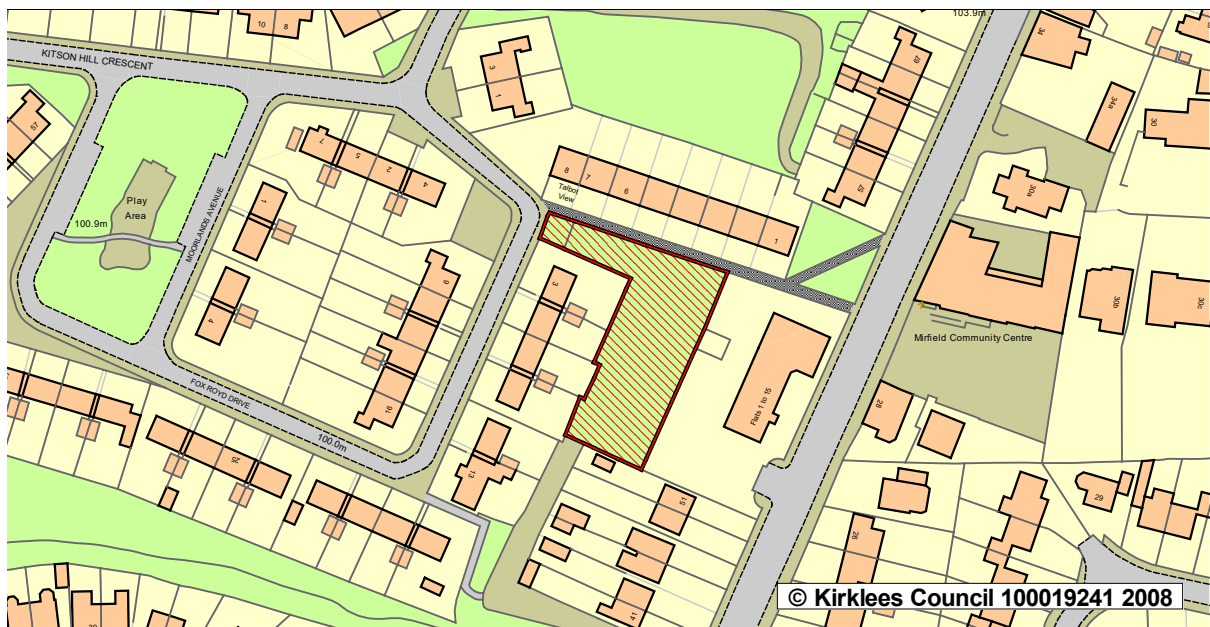
08-Jan-2020

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Mirfield

Yes

Ward Members consulted

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 is brought to the Heavy Woollen Planning Sub-Committee at the request of ward Councillor Martyn Bolt. Cllr Bolt objects to the development on the grounds of access/design/sustainability.
- 1.2 The Chair of 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 0.12 ha, accessed off Foxroyd Drive. The site is overgrown, and there are some areas of hardstanding. The access point is a rough track, and is currently blocked by a barrier
- 2.2 The site is flanked by dwellings on all sides i.e. houses to the west on Fox Royd Drive, to the east a three storey block of apartments on Water Royd Lane, and to the north by a terrace of bungalows on Talbot View. Talbot View is in an elevated position relative to the application site which also slopes gently from north to south.
- 2.3 The site is unallocated on the Kirklees Local Plan.

3.0 PROPOSAL:

- 3.1 Full permission is sought for the erection of four 1no. bedroom bungalows, accessed off Fox Royd Drive via a shared driveway. The bungalows would be in a terrace of four located in between and parallel to the existing dwellings on Fox Royd Drive, and the apartment block on Water Royd Lane.

- 3.2 The block is situated at right angles to the top of the shared drive, which also provides for a communal parking area with four parking spaces and one visitor space. Pedestrian access is to east of the site along the boundary with the apartment block on West Royd Lane.
- 3.3 The proposed bungalows are to be constructed of red brick and slate grey roofing tiles, and would be stepped down from north to south to reflect the sites topography.
- 3.4 There is a communal bin storage area, and the houses would be provided with electric charging points.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 No relevant planning 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
- 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 27th 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 and access
- LP22 Parking
- LP24 Design
- LP27 Drainage
- LP32 Landscape
- LP52 protection and improvement of air quality
- LP53 Contaminated land unstable land

6.3 National Planning Policy Framework

- Chapter 2 - Achieving sustainable development
- Chapter 6 - Delivering a sufficient supply of home
- Chapter 8 - Promoting a healthy and safe community
- Chapter 12 - Achieving well designed spaces
- Chapter 14 - Meeting the challenge of climate change, flooding and coastal change.

6.4 Supplementary Planning Guidance

- Highway Design Guide Supplementary Planning Document
- Kirklees 'The Big Build Site Guide' - Small Affordable Housing Sites
- Mirfield Design Guide (2002)

6.5. The site is within 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 Kirklees Development Management Charter. As a result, there have been two letters of objection received. A summary of the main points raised are:

- the scheme would be intrusive on neighbours privacy;
- the access isn't sufficient and congestion will ensue;
- one writer states he was informed that no development could ever take place on this site.

7.2 Cllr Vivien Lees-Hamilton agrees with Cllr Bolt that the application should be dealt with by Committee.

7.3 Mirfield Town Council

Cllr Bolt Proposed MTC send the following holding objection to Kirklees. MTC object to the 2 developments on the grounds of access/design/sustainability & 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 3rd December Cllr Naisbett
Seconded Vote: All in favour.

(NB. A response has been sent to the MTC)

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:

The Coal Authority – Awaiting final comments

KC Highways Development Management – Awaiting final comments

8.2 Non-statutory:

KC Lead Local Flood Authority - Requested additional details

KC Environmental Health- Recommend conditions

KC Strategic Housing - Support the scheme, there is a demonstrable shortage of affordable housing in this area, and of this type of affordable housing.

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
 - improvement 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 Kirklees Local Plan “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 Kitson Hill Crescent (application 2019/93659 which is 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 four dwellings, the scheme would make a contribution towards delivering the Council's housing targets, and also providing 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 would form a row of four terraced bungalows.
- 10.6 The existing rough track that would be use for the shared driveway access would be made up to an adoptable standard and the existing barrier removed. A landscape scheme is proposed within the site including the landscaping of the private garden areas, front and back and the verges adjacent the shared driveway.
- 10.7 The proposed materials are red brick and tile, which is consistent with the neighbouring properties and considered to be acceptable in this area.
- 10.8 The siting of the bungalows ring parallel to the dwellings on Fox Royd Drive, and the apartment block on Water Royd Lane, with the habitable windows front and back facing towards the boundaries with Fox Royd Drive and Water Royd. These windows are only at ground floor level and the back to back distances between Fox Royd Drive and the site are in excess of 21 metres. Likewise the front of the proposed bungalows faces towards the rear parking area of the apartment block on Water Royd Lane, and are also in excess of 21m, securing adequate privacy for both existing and proposed dwellings.
- 10.9 The relationship between the proposed bungalows and the terrace of bungalows on Terrace View is only a single facing gable and Talbot View is in an elevated position relative to the site.
- 10.10 In all, it is considered that the relationship between the proposed and existing dwellings is acceptable, and there would be no significant adverse impact 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 internally are designed and laid out to satisfy both Nationally describe space standards and Lifetime Homes standards, should the future residents require and adaptations / improvements at a later date.
- 10.12 To summarise, the proposal is considered acceptable from a visual and residential amenity perspective and would accord 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 6 no 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 levels 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, bio-diversity/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. It is consider that the drainage issues on this site can be satisfactorily daily with via the imposition of conditions.

Biodiversity / 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 are to be retained and additional tree planting presented 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 storage/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%2f93660>

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