

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

11 JUNE 2015

APPLICATION NO: 2014/93192

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OUTLINE APPLICATION FOR ERECTION OF 2 SEMI DETACHED DWELLINGS WITH OFF ROAD PARKING

LAND ADJ SUDE HILL TERRACE, NEW MILL, HOLMFIRTH, HD9 7BL

Ward Member Comments

Cllr Nigel Patrick has asked for the application to be deferred. An email from Cllr Patrick gives the reason for this as:

“Can you please ask the Chair of the Planning Sub Committee to defer the item on Sude Hill on the grounds that a ward councillor is unable to attend to speak on behalf of residents. Myself and Councillor Sims have to attend a Licensing Training day in order for us to attend Licensing Panels, and as such we are unable to be in two places at one time.

This would be very helpful”.

APPLICATION NO: 2015/90374

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ERECTION OF 5 DWELLINGS (WITHIN A CONSERVATION AREA)

HOYLE BECK CLOSE, LINTHWAITE, HUDDERSFIELD, HD7 5RB

Assessment

Contamination and Pollution

The applicants have provided evidence that Japanese Knotweed has been removed from the site by a specialist contractor. This includes a warranty and advice about how to construct a barrier to prevent Japanese Knotweed reappearing on the site. This has been assessed by the Biodiversity Officer who considers there is no longer a requirement to condition details to be submitted for approval (see amended plans table).

The Agent has queried information in the Officers' report regarding submission of contaminated land reports. To clarify this matter we have received a Phase 1 desk study, and this is referred to in the plans table. We have also received a Phase 2 intrusive report but this does not include details of gas monitoring. Given this site is adjacent to a historical landfill site further information is required in risk assessing the ground gas at the site. The Ground Gas investigation/information should involve at least three boreholes, monitored over 6 occasions, over a 3 month period, including periods of falling pressure.

The applicants have stated that gas monitoring has taken place but the results will not be available until after the committee meeting. Whilst we are satisfied that the site can be developed it will still be necessary to impose contaminated land conditions but the final conditions may vary from those set out in the main report.

Highway Safety

An amended site layout plan, ref 2014-02-03E, has been received. This indicates a potentially adoptable turning area sufficient in size to accommodate an emergency vehicle whilst retaining bin collection points. This amended layout also has a note referring to the existing access (from Hoyle Ing) being surfaced and completed to adoptable standards to create a shared surface carriageway.

KC Highways have assessed the amended plan and have no objections to this subject to the imposition of conditions regarding: surfacing of parking spaces and a scheme detailing the 'completion and reconstruction of the proposed internal adoptable estate road to form a shared surface carriageway.' The latter would require the rewording of condition 12 of the main report.

Recommendation

In light of the information above the recommendation is amended to read:

CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO:

- **IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS. WHICH MAY INCLUDE THOSE SET OUT BELOW, AND**
- **SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THE RECOMMENDATION TO ISSUE THE DECISION NOTICE.**

Amended Plans Table

Plan Type	Plan Reference	Revision	Date Received
Existing Site Layout Plan	2014-02-02	-	10/2/2015
Proposed Site Layout Plan	2014-02-03E	-	8/6/2015
Design and Access Statement	-	-	10/2/2015
Contaminated Land Report – Phase 1	J2889/14/EDS	-	15/4/2015
Contaminated Land Report – Phase 2	J2899/14/E	-	10/2/2015
Japanese Knotweed Proposal Document	JKC Ltd dated 18.9.14		9/06/2015
Japanese Knotweed Treatment Report	JKC Ltd dated 21.10.14		9/06/2015
Japanese Knotweed Completion Report	JKC Ltd dated 6.1.2015		9/06/2015
Japanese Knotweed Warranty of Work	JKC Ltd dated 18.2.15		9/06/2015

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ERECTION OF EXTENSION AND ALTERATIONS TO EXISTING INDUSTRIAL UNIT

OAKES BUSINESS PARK LTD, NEW STREET, SLAITHWAITE, HUDDERSFIELD, HD7 5BB

Consultations:

Comments from the Canal & Rivers Trust remain outstanding and therefore the recommendation for the application is changed to reflect this.

Recommendation:

Conditional Full Permission subject to the delegation of authority to officers to:

- await the consultation response of the Canals and River Trust and, provided the Canal & Rivers Trust raise no material considerations,
- impose all necessary and appropriate conditions, which may include those set out in the main report
- issue the decision.

ITEM 11 – APPLICATION 2014/92634

Consultee Responses:

Kirklees Flood Management and Drainage – The proposed layout and surface water drainage scheme are acceptable. A condition requiring some further minor details relating to the proposed drainage scheme is recommended.

An existing overflow pipe to an adjacent land owner's site is reinstated as part of the drainage works and this is welcomed.

Kirklees Highways Development Management – The parking spaces for plot 11, which are to be accessed off Owlars Bars Road, should have a 2m x 2m chamfered corner to each side in order to improve visibility. Alternatively, these parking spaces (and the adjacent parking for plot 10) could become tandem parking spaces accessed from within the site. An amended plan has been requested indicating either of these amendments. Subject to the submission of an amended plan the proposals are acceptable to Highways Development Management.

Representations:

One representation has been received in response to the amended layout and drainage information.

The neighbour has sought assurances on their interpretation of the plans and this has been provided to them by Officers. In addition, the following issues have been raised:

- Potential impact on adjacent green corridor (including mature trees) from the carrying out of building operations.

Officer response: The northern edge of the site forms part of a green corridor, as allocated on the Unitary Development Plan Proposals Map. The area adjacent to this corridor is to form on-site public open space. It is however probable that construction plant and machinery will need to come in relatively close proximity to the Meltham Dyke corridor when developing plots 19-22 and also when laying out the open space. As such, a condition can be imposed requiring protective fencing to be erected alongside the dyke that will help to prevent construction plant and machinery encroaching too close to adjacent trees and vegetation along the green corridor.

- Potential impact on the listed building which sits within the site

Officer response: The amended site plan indicated some additional parking spaces within the curtilage of the listed building; these have subsequently been deleted. The listed building does not form part of the development scheme and Officers are satisfied that the proposals (as amended) will not prejudice the future redevelopment of the listed building.

Updated Plans Table:

Plan / Report Type	Reference	Version	Date Received
Proposed site plan	15051 (PL04) 01	A	4/6/15*
Street scene elevations	E365 (05) 01	B	13/11/14
Street scene elevations	E365 (05) 02	B	13/11/14**
Proposed site sections	E365 (06) 01	A	20/8/14
House Type B	E365 (04) 02	A	20/8/14
House Type A	E365 (04) 01	A	20/8/14
House Type D	E365 (04) 04	B	20/8/14
House Type D1	E365 (04) 05	B	20/8/14
House Type C	E365 (04) 03	C	13/11/14
Terrace floor plans	E365 (04) 06	B	4/6/15***
House Type B1 (plot 18)	E365 (04) 07	-	4/6/15
Drainage Layout	T / 15 / 1565 / CL(19)01	P7	28/5/15
Drainage Construction Details (sheet 1)	T / 15 / 1565 / CL(19)02	P2	28/5/15
Drainage Construction Details (sheet 2)	T / 15 / 1565 / CL(19)03	P1	28/5/15
Drainage Construction Details (sheet 3)	T / 15 / 1565 / CL(19)04	P1	28/5/15
Surface Water Management Plan	Prepared by Tier Consult	-	28/5/15

* To be updated to reflect amendment to parking for plot 11 as described in the 'consultee responses' section of this Update.

** To be updated to reflect removal of parking spaces to front of plots 10 and 11 as per amended site plan being considered by Members.

*** To be updated to reflect amendment to parking for plot 11 as described in main report.

Revised Officer recommendation:

To enable amended plans to be submitted which reflect a minor change to the parking for plots 10 and 11 the Officer recommendation is amended to:

Approve variation to condition 2 of planning permission no. 2006/93156 subject to the delegation of authority to Officers to:

- (i) obtain an amended site plan which demonstrates improved visibility for the parking spaces to plot 11 and obtain amended elevation/floor plans for plots

10 and 11 which correspond with the proposed site layout.

(ii) impose all necessary and appropriate conditions and;

(iii) issue the decision notice.

ITEM 12 – APPLICATION 2014/93014

Biodiversity

As noted in the full report before Members, Officers' are satisfied that matters in respect of Biodiversity are fully resolved.

Affordable Housing/Section 106 contributions

Following further discussions, the applicant has indicated a willingness to re-visit their position in respect of affordable housing and Section 106 contributions.

The NPPF sets out how viability should be considered and paragraph 173 states,

“To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.”

The applicant originally offered no affordable housing. However, a more detailed Viability Appraisal has now been submitted, setting out why they contend the development cannot deliver an affordable housing contribution.

The factors behind this are given as the substantial legal and planning fees associated with bringing a development forward on this site. This primarily relates to the applicant's defence of a village green application, which was overturned in 2014. Additional significant (and site specific) costs will also need to be met in respect of drainage and provision of retaining walls.

The applicant's appraisal has been subject to independent assessment on behalf of the Council. This includes thorough scrutiny of the residual land value, revenue return, development, finance and abnormal costs of the development.

Whilst the high cost of bringing forward and developing this site in terms of legal/planning fees, drainage and retaining walls is accepted; the Council's appraiser is of the view that the development can deliver a total 'pot' of £362,308 to cover all Section 106 matters.

In addition to an affordable housing contribution of £248,255, this includes the costs associated with: an Education Contribution, provision of residential Metro Cards and a bus priority loop system. Public Open Space is to be provided on site with a Unilateral Undertaking securing its future maintenance.

Section 106 contributions totalling £362,308 would allow for developer's profit of 20% on Gross Development Value. This is considered to be a reasonable developer's return and is within the generally accepted range, established by appeal decisions.

Based upon this position, Officers have undertaken further negotiations with the applicant. They have now confirmed that they are prepared to agree to pay the full amount of £362,308 (towards all Section 106 contributions), which the Council's consultant considers are able to be afforded by the development.

The table below details the Policy requirements in relation to the development, together with contributions agreed with the developer as set out above.

Provision/Contribution	Requirement	Contributions/ Costs
Affordable Housing	30% of res floor space	£248,255.25
Education Contribution	£89,547	£89,547
Public Open Space	Provided on site	Provided on site
Residential Metro Cards	£19,505.75	£19,505.75
Bus priority loops (Edgerton Road/Blacker Road junction)	£5,000	£5,000
		Total: £362,308

Whilst the Council primarily seeks to achieve on-site affordable housing, SPD2 allows the Council and developer to agree to a commuted sum towards the provision of affordable housing off-site. In this case a commuted sum is considered preferable given that the primary needs identified in the Strategic Housing Market Assessment are for 2 and 3 bedroom homes and primarily for social rent. The dwellings proposed by this development are for large, detached four bedroom houses, for which there is a much smaller need.

Officers' recent discussions with Registered Providers on other schemes has highlighted concern around the sustainability of a single unit (as would be the case with this site), with potential issues around affordability and under-occupancy in respect of welfare reforms. Therefore, a commuted sum is considered appropriate in this instance.

Although the development does not fully meet the requirements of SPD2 in relation to the provision of affordable housing (at 30% of floorspace), the applicant's revised offer is considered reasonable given that it is in line with the independent assessment conducted on behalf of the Council.

In addition, if the applicant was to implement the 1967 consent, no affordable housing or Section 106 contributions would be secured.

Furthermore, that historic consent would involve a more dense development (55 units as opposed to the 41 now proposed) than this current application seeks consent for. As noted in the Officer report to Committee in February 2015, the layout plan for the 1967 permission,

“Shows a relatively unimaginative layout with minimal public open space and no public access alongside the Dyke...The Trees Officer confirms that the tree loss in the available plan with the 1967 decision notice would be similar if not worse overall than the current plan.”

In the view of Officers, the benefits of this proposal being brought forward, rather than the 1967 consent, are considered to weigh heavily in favour of accepting the applicants' offer as detailed above.

Whilst the amount of affordable housing offered falls below that required by Policy H10 of the UDP and the Council's supplementary planning document, the provision of a financial contribution towards affordable housing is nevertheless secured by the development and will contribute towards meeting the identified need for affordable housing within the area.

The potential harm arising from the shortfall in the affordable housing provision from that required to meet the Council's policy needs to be weighed against the benefit of bringing forward new housing development at a time of general housing need and the lack of a 5 year housing land supply.

Officers' therefore advise that matters in relation to Viability and affordable housing are considered resolved and a reason for refusal on this basis would now be difficult to substantiate.

Public Comment

Since the Sub-Committee last considered the proposal in February further comments have been received on the proposal as follows:

Barry Sheerman MP

- Supports the Clayton Fields Action Group (CFAG) to preserve as much green space and access for his constituents as possible.
- An existing footpath on top of the woodland banking should be preserved as it has been used for many years and is a wildlife haven.
- Concerned at tree removal from the banking and transfer of species elsewhere in the the site. States that Yorkshire Water are concerned that such transfer and new tree planting is inappropriate and not viable.
- Concerned that the proposal ignores the local environment which local people have fought to preserve and that there is a lack of affordable housing.

Clayton Fields Action Group (CFAG)

- The proposal will bring a greater amount of traffic to surrounding roads which are narrow and subject to pavement parking so as not to obstruct traffic flow.
- Construction traffic will need to go over pavements to negotiate the junction with Deveron Grove and Queens Road which is difficult to manoeuvre due to gradient and angle. Such traffic will be obstructed by

traffic associated with the nursery on Murray Road and the narrowness of that road.

- A childrens' nursery on Murray Road attracts parents in cars whose parking narrows the already narrow road so that large goods vehicles passing would pose a serious safety hazard.
- Construction traffic cannot negotiate the junction of Murray Road and Blacker Road due to the limited turning space available.
- Existing roads in the area are busy and congested and could not cope with the extra estimated 100+ cars traffic associated with the proposal.
- Blacker Road is very busy at both junctions from nearby new housing development.
- Edgerton Road carries standing traffic back to the junction with Queens Road at most times of day making it difficult for traffic to turn out from. This results in delays turning onto Edgerton Road from Queens Road resulting in standing traffic at that junction also. Blacker Road and Queens Road cannot cope with the increase in traffic from this proposal.
- The increase in traffic will result in increased air pollution. Air quality testing should be undertaken as part of the consideration of the planning application.
- The site is considered a wildlife haven and area of natural beauty with many species of mature trees.
- There are vacant dwellings within the District.
- The site lies in a conservation area.
- The site has diverse and abundant wildlife and plants contributing to its eco system.
- The submitted wildlife survey is flawed as it was conducted in daylight hours omitting nocturnal species.
- The proposed woodland walkway is unnecessary and impractical. It would not be open and useable to all members of the public. It would be prone to flooding, decay and vandalism and would require regular maintenance. It would be slippery and covered in moss. It would be difficult to negotiate with steep gradients and 'twisty turns' making it difficult for the elderly, disabled and prams to negotiate and should be left as a right of way rather than a footpath with the proposed walkway.
- It is argued that the well established claimed route along the top of the woodland provides a more acceptable alternative which is level, away from road pollution and is a nature trail. The retention of that route would cause minimum, if any infringement on the proposed layout. The argument that this would result in loss of privacy for existing residents "is ridiculous considering that a public footpath already borders one whole side of the site and therefore the gardens along it."
- There are ninety statements of use for this right of way along this edge of Clayton Fields "with more pending". It is argued that the site is of wider interest within the town.
- The proposed public open space within the development lies above existing sewage chambers which cannot be built on. The pos is not desirable or suitable for local people or people of the town who have previously had full and free use of the space when it was a village green.
- POS provision within the scheme should be more substantial on firm ground.

- The safety and welfare of users of the POS centrally will be jeopardised as the ground is not solid, the air around the sewage chambers and surroundings is prone to foul odour which is not pleasant or healthy.
- The proposal to replant woodland vegetation within POS is inadequate compensation for the loss habitat consisting of woodland and wildflower meadow resulting from the development.
- The need for access to the sewage chambers means that the planting would be disturbed and would not provide a permanent or substantial wildlife habitat.
- The need to set trees back from the underground chambers means that the replanting will not be woodland.
- The proposed pos fronting Edgerton Road would be subject to traffic noise and pollution so would not benefit local people and is a part of the site where house building would not be favourable.
- The beauty and history of the site demands significant action to preserve many of the natural features of the site. Most of the remaining trees and plants are mature and well established.
- Tree planting elsewhere in the site would not compensate for the loss of existing mature specimens nor would they be allowed to grow close to proposed houses.
- The overall provision for wildlife in the proposals is inadequate and not in accordance with the requirements of the National Planning Policy Framework which requires LPA “to secure biodiversity enhancement and the ecological functionality of habitat networks within the site and ensure the protection of wildlife and the habitat which supports it and secure opportunities for the enhancement of nature conservation value of the site in accordance with the National Planning Policy Framework.”
- The proposal represents a small number of properties with a handful of affordable homes which does not represent “huge gains for Kirklees Council” but will result in the loss of an beautiful natural green place of local heritage and its health benefits.

Sir John Harman

- The application should be refused in order to allow constructive dialogue between local residents, the developer and the LPA to secure an amended scheme to ‘reasonable standards of local amenity and environmental value’.

As will be seen from the previous report the Sub-Committee considered the following issues before reaching their resolution.

- The principle of development and layout.
- The ‘woodland walk’ and pedestrian links through the site.
- Road safety issues including the character of surrounding roads and junctions.
- The effect on residential amenity including air pollution and traffic noise.
- The effect on visual amenity including the character of the conservation area and tree cover.

The Sub-Committee's expressed concerns were the lack of sufficient information to enable the effect on wildlife habitat and biodiversity to be properly judged and the failure to provide affordable housing provision.

Revised Officer recommendation and reasons:

Following negotiations with the applicant in respect of affordable housing/viability as set out above, and the resolution of matters in respect of Biodiversity as set out in the full report; Officers consider that there is no longer any reason to substantiate a recommendation to the Inspector that the Authority would have been minded to refuse outline planning permission.

If Members agree with that view then officers will inform the Inspectorate that the Council, as local planning authority, will no longer object to the Secretary of State granting outline planning permission, subject to the conditions listed in the full report and the following correction to condition 28.

“28. Before development commences details of facilities to be provided for charging plug-in and other ultra-low emission vehicles within the curtilage of the dwellings shall be submitted to and agreed in writing with the Local Planning Authority. Such facilities shall be provided before the dwellings to which they relate are first occupied and shall be retained thereafter.”