

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

**STRATEGIC PLANNING COMMITTEE**

**Date: 27-Feb-2020**

**Subject: Planning Application 2019/93661 Erection of 10 bungalows Land Off, Sixth Avenue, Hightown, Liversedge, WF15 8LQ**

**APPLICANT**

Thompson

**DATE VALID**

11-Nov-2019

**TARGET DATE**

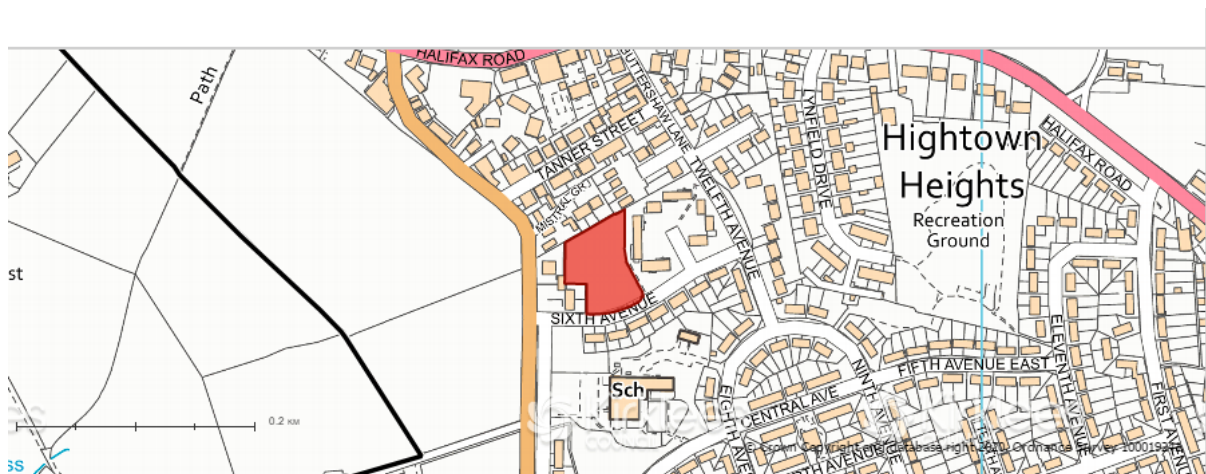
10-Feb-2020

**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: Liversedge and Gomersal**

Y/N

Ward Members consulted  
(referred to in report)

---

**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 and to secure a S106 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum (£8,734)

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 Planning and Development 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 Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

## **1.0 INTRODUCTION**

- 1.1 This application has been requested to be called up to Committee by Ward Councillor David Hall regarding concerns on the loss of open and recreation space and traffic issues. The application is presented to Strategic Committee at the discretion of the Chair given that the next available Heavy Woollen Committee is not until 2 April 2020.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The site comprises an area of 0.35 ha, located on the northern side of Sixth Avenue, the site is a fairly level grassed area with a small number of trees in the SW corner and some hedgerow to the rear of the site. The site is flanked by housing to the west and north, and a sheltered housing complex to the east, Mowat-Court. The site has a frontage onto Sixth Ave.
- 2.2 The site is unallocated on the Local Plan, and is not covered by Policy 61 of the Local Plan(NB. Policy LP61 Urban Greenspace identifies areas of greenspace across the district where there is a presumption against development).

## **3.0 PROPOSAL**

- 3.1 Full permission is sought for the erection of 10 no bungalows 3x1 no bed and 7x2 no bed. Vehicular access is taken off Sixth Ave, and the development will take the form of a cul de sac with 3 of the bungalows having frontage onto the road
- 3.2 The bungalows will be a mix of detached, semis and one terrace of 4, sited around a cul de sac, with a turning head at the northern end of the site. Access is taken off Sixth Avenue, and within the site the road is an informal access way. Two parking spaces per dwelling are provided
- 3.3 The properties are to be bungalows and constructed of red brick and grey tile and each will have an electric charging point.

- 3.4 All of these units are retirement bungalows for over 55's at affordable rent. The properties are built to Lifetime Homes standards should any adaptations be needed later in life by the residents.

#### **4.0 HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED**

- 4.1 This application was the subject of a pre- application enquiry that included Ward Members. Originally the site was identified for 11 units, but that has been reduced to 10, and bungalows identified as the preferable type of housing
- 4.2 Additional information regarding traffic movements has been requested and provided and re-advertised.

#### **5.0 RELEVANT PLANNING HISTORY**

- 5.1 2010/92323 Application for 12 no dwellings- Refused (against officer recommendation) for inadequate visibility; inadequate parking and the house types being out of character with the area. 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.

##### 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
- LP61 Urban greenspace
- LP 63 new open space

##### 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.

##### Supplementary Planning Guidance

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

- Kirklees Interim Affordable Housing policy –approve January 2020.
- West Yorkshire Low Emissions Strategy

### Climate change

- 5.2 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **6.0 REPRESENTATIONS**

- 6.1 This application been publicised by site notices, neighbour letters. Additional time to enable consideration of the Transport Statement was agreed with Ward Councillor David Hall

Final publicity expiry date 3/1/20.

- 6.2 A total of 7 representations have been received (some people having written more than once).

The main points of concern being:

- The site is greenspace and the development will result in the loss of the only bit of available green space on the windy bank estate, available for all people.
- Previous development has been rejected on this site and it should be again;
- the style of housing is cheap, tacky and an eyesore, and not fit for the type of user it is intended for.
- The Transport Survey is inadequate, and the visibility and parking difficulties that exist on this very busy road will be exacerbated by the additional dwellings and the extra traffic they generate.
- Noise pollution will occur
- Council has failed to adequately consult
- Devaluation of property
- There are a large number of cats in Mowat Court who will be at risk if the development goes ahead.

- 6.3 One of the letters has been received (on behalf of the Spen Valley Civic Society), which accepts the need for this type of housing for elderly people but believes this is the wrong type of housing design and arrangements for the elderly. Believe there shouldn't be bespoke gardens and communal gardens so could squeeze more units into the site.

- 6.4 Ward Members were consulted both at the pre-application stage and when this application was received. No comments have been received; however we have at the request of Cllr David Hall extended the time period for receipt of representations on the Transport Statement.

6.5 Cllr David Hall has now requested that the scheme be called up to committee.

## 7.0 CONSULTATIONS

7.1 The following is a brief summary of Consultee advice (more details are contained in the Assessment section of the report, where appropriate):

**KC Highways DM.** - Requested a Transport Statement. This was provided and considered. No objections recommend conditions in the event of approval.

**KC Trees.** None of the trees are protected or satisfy the criteria for TPO. No objections recommend a landscape scheme be conditioned.

**KC Environmental Health.** Recommend conditions regarding potential contamination and remediation, and provision of electric charging points.

**KC Strategic Housing-** Support the scheme, the provision of 10 no retirement bungalows will help address a specific need in the local housing area.

**KC LLFA** Requested that a Drainage Strategy was submitted. Referred to NPPG guidance for residential developments of over 1 ha, needing a full FRA. This site is only 0.35 ha, the site is within Flood Zone 1, and there is no history of flooding on the site, as confirmed in the LLFA comments on the pre application enquiry Notwithstanding the above a drainage scheme for this site has been submitted and details of conditions will be included within the update.

## 8.0 MAIN ISSUES

- Principle of development
- Visual and residential amenity
- Highways Issues
- Climate Change - drainage
  - bio-diversity / landscaping
  - improvement of air quality
- Crime Prevention
- Objections

## 9.0 ASSESSMENT

### Principle of Development

9.1 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.

9.2 This site has been identified as a small affordable housing site within the Kirklees Big Build’ scheme in September 2018. The Big Build identifies 8x small affordable housing sites across the whole district including this site. There is a stipulation on each of these sites that they provide 100% affordable housing.

- 9.3 The site is surrounded by dwellings on all four sides and located in a sustainable location with community facilities and shops available on Hightown Road. Also, the site is well connected to the public transport network, and the Community Centre on Windy Bank. As such there is no objection to the principle of residential development on this site.
- 9.4 Whilst only ten dwellings, this scheme represents a windfall development would make a contribution towards delivering the Council's housing targets, as well as providing affordable housing (affordable rental for over 55's), satisfying the requirements of policy LP11 of the KLP (Housing Mix and Affordable housing).
- 9.5 Policy LP63 New OpenSpace is relevant to all residential schemes of 10+ dwellings. The financial contribution in this case (reduced as the scheme is for retirement homes) is £8,748. This would normally be secured via a section 106 agreement. However the applicants do not as yet own the site, which is still in council ownership, therefore a Section 111 Agreement has been prepared and signed, which enables the decision notice to be issued, and which will be attached to the Section 106 when the transfer takes place. This secures the financial contribution.

### **Visual & Residential Amenity**

- 9.6 The site is located within a predominantly residential area, surrounded by dwellings of varying types ie houses and with sheltered housing apartments adjacent ( ie Mowat Court). A residential reuse of this site is considered appropriate, and respects the residential character of the area.
- 9.7 The units proposed are bungalows and laid out at a density of approx. 28 per ha, which is a comparable to the surrounding area. The neighbouring dwellings and apartments are for the most part 2 no storey. Whilst single storey the reduced scale of the development relative to Mowat Court, is welcome, and together with the retirement use, is considered to introduce a development and end use sympathetic with the adjacent to the Mowat Court complex.
- 9.8 The layout provides an active frontage onto Sixth Avenue, and internally the layout is served by a cul de sac with a turning head. Internally the layout is considered satisfactory providing scope for additional tree planting in the street scene as well as the individual gardens. The relationship and orientation relative to the existing neighbouring dwellings ie on Mowat Court, Windy Gap and Mission Grove is acceptable, respecting the amenity of those properties. The impact of the development on neighbours is considerably reduced by the fact that the proposal is bungalows. The properties within the Mowat Court complex have communal garden and parking areas. To the west of that complex is an unofficial access point that is used by vehicles. This is adjacent the application site and retained, also there is an area of open space to the rear of Mowat Court that has been retained.
- 9.9 The frontage of Mowat Court, on both Sixth Ave and Twelfth Ave proximity is of an open plan nature ( ie no fences or walls, with grassed areas and some shrub planting beds and open parking areas. The proposed scheme sets the bungalows back from the road, and retains the open plan nature along the frontage with no fences or gates. This open plan area will be retained as

grassed areas with some parking and will also accommodate some additional planting. This is considered to be an appropriate approach to adopt in this location, given the nature of the adjoining development at Mowat Court.

- 9.10 The bungalows themselves are designed and laid out internally to satisfy both nationally prescribed space standards and Lifetime Homes standards should the future residents require any adaptations/improvements at later date.
- 9.11 In all, the proposal is considered acceptable from a visual and residential amenity perspective in accordance with the aims of policy LP24 of the Kirklees Local Plan as well as chapter 12 of the NPPF.

### **Highways Issues**

- 9.12 The application is for the erection of 10 no 2 bed retirement bungalows. The point of access is considered acceptable, and additional traffic survey work has been provided at the request of Highways DM to support this.
- 9.13 There is adequate parking provision for the units at 2 per bungalow, and the scheme can be satisfactorily serviced by a refuse vehicle.
- 9.14 If permission is granted conditions are recommended which would secure a Construction Management Plan; the surfacing and retention of the parking areas; and the retention of visibility splays.

### **CLIMATE CHANGE**

- 9.15 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 9.16 Issues of drainage, biodiversity, landscaping and air quality are all issues that relate to climate change and they are dealt with below.

### **Drainage**

- 9.17 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. The submitted drainage strategy has been submitted and is considered to be acceptable in accordance with policy LP28 of the Kirklees Local plan and chapter 14 of the NPPF and will be conditioned. Details of which will be reported in the update.

## **Biodiversity/landscaping**

- 9.18 The site is currently a grassed area of little if any ecological value. There are some trees and hedgerow on the periphery of the development. There are to be replacement trees in this area and open space green lawns to the front of the site and grass verges within the development. Additional trees are to be provided within the street scene as well as within the rear gardens of a number of the 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**

- 9.19 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 which will be controlled by condition.

## **OBJECTIONS**

- 9.20 The objections received fall into the following categories:-

- The scheme represents the loss of valuable open space and recreation space in the area.  
*Response. Whilst it is accepted the site is a grassy/ green area, it has never been formal recreation space for Mowat Court, and the space is not as green space ion the local plan under policy LP63 protected. There is alternative open space in close proximity to this sustainable location.*
- A previous scheme for dwellings on this site was rejected and this scheme should be also.  
*Response; the situation has changes=d since the previous refusal in 2010. The UDP has been replaced by the adopted Local Plan, and the site is protected as green space. The previous scheme was for 12 houses, and none of the reasons for refusal related to the loss of the open space.*
- The scheme will cause problems regarding traffic on this busy road with high traffic speeds.  
*Response. This is a low intensity development and additional traffic information including speed surveys has been obtained to inform the Highways Services comments. No objections, subject to conditions are recommended.*
- This is the wrong type of housing that is not fit for purpose.  
*Response. A severe shortage of this type of accommodation is identified across the District well as within this housing area. ie this is exactly the type accommodation that is required , and it is designed specifically to Lifetime Homes standard.*
- There will be noise pollution.  
*Response; There would seem little reason to assume a group of retirement bungalows would be a significant noise/nuisance generator and the level of traffic use would be minima*



## 10.0 CONCLUSION

- 10.1 The development represents a sustainable windfall development delivering much needed housing within an existing built up area, as well a partially addressing an identified shortfall of affordable housing in the area, especially affordable rental for retirement and bungalows.
- 10.2 It is accepted the site is currently open in nature, but it is not protected as urban greenspace, and the open plan character, and low rise nature of the development are considered satisfactory and appropriate in relation to the neighbouring Mowat Court. The site whilst open and adjacent to Mowat Court has never been formal recreation space for the Complex, but it is understandable that it may have been used informally. However there is alternative open space in proximity to this site and also a financial contribution has been agreed which will be ring fenced to improving the existing open space in the vicinity
- 10.3 As such the weight afforded to the provision of the additional housing and the provision of affordable housing in a sustainable location, with an open space contribution to be used locally is considered to outweigh any dis benefits from the loss of the open space, as well as according with the Councils policies in the Local Plan
- 10.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitutes the Government's view of what sustainable development means in practice.
- 10.5 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 subject to the signing of planning obligation securing an offsite POS contribution

## 11.0 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 confirmed in update)
6. Landscape scheme to be submitted
7. Decontamination and remediation.
8. Electric charging points
9. Highway conditions- surface parking
  - Maintain visibility spalys
  - Construction management plan
  - Bin store location details
10. Biodiversity enhancement opportunities
11. Obscure glazing and no additional opening in side elevation of plot 7.
12. Removal of permitted development rights for extensions

**Background Papers:**

Application and history files.

Website link to be inserted here

Certificate of Ownership – Notice served on/ or Certificate A signed: