
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 14-Oct-2020

Subject: Planning Application 2020/90942 Erection of 30 dwellings and associated works Land at, Ainley Top, Yew Tree Road and Burn Road, Birchencliffe, Huddersfield, HD2 2EQ

APPLICANT

Josh Brear, Harron
Homes

DATE VALID

06-Apr-2020

TARGET DATE

06-Jul-2020

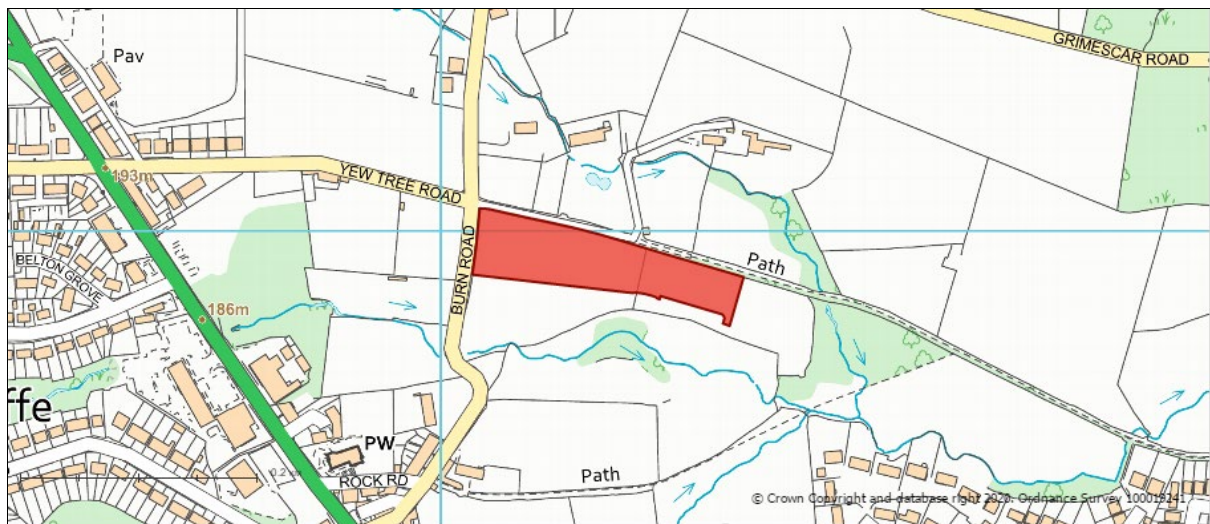
EXTENSION EXPIRY DATE

14-Nov-2020

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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: Lindley

Ward Councillors consulted: Yes

Public or private: Public

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 Supplemental S106 agreement to cover the following matters:

1. Two affordable dwellings on-site with a tenure split of one intermediate and one social rented
2. Education contribution (£24,710)
3. Open space contribution (£9,473)
4. Off-site highway contribution for junction improvements to Halifax Road/East Street junction (£7,894)
5. Metro Cards (£2,456)
6. Arrangements for future maintenance and management of surface water drainage infrastructure

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 The application is brought forward to the Strategic Planning Committee because it is for residential development on a site that is over 0.5 hectares in size and it seeks to make changes to part of an approved development of 95 dwellings that was approved by the Strategic Planning Committee in 2017.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site forms part of a larger residential development site in Birchencliffe that is in the process of being built-out under planning permission 2017/90180 for the erection of 95 dwellings.
- 2.2 The land that is the subject of this application sits at the junction of Yew Tree Road and Burn Road. There is a public byway (HUD/396/40) that flanks the northern boundary of the site.
- 2.3 The site and surrounding land form part of housing allocation HS35.

3.0 PROPOSAL:

- 3.1 Planning permission for the erection of 95 dwellings was approved in 2017 on three distinct parcels of land under application reference 2017/90180. The current application relates to part of one of these parcels of land; this is the middle of the three parcels.
- 3.2 Ten detached dwellings have already been built on the middle parcel of land under the original permission; these are all on the southern side of the new estate road. This application relates to the land on the northern side of the new estate road where it is proposed to erect 30 dwellings, instead of the 20 dwellings as originally approved.
- 3.3 The increase in the number of dwellings has been achieved by altering the housing mix. The approved scheme was for exclusively detached dwellings in this part of the development but it is now proposed to erect a mixture of terraced (9 no.), semi-detached (8 no.) and detached (13 no.).
- 3.4 The reason for the proposed change is a commercial decision for the applicant because they consider that there is currently a greater demand for smaller house types in this area.
- 3.5 The new house types are all two storeys in height with the exception of two pairs of semi-detached dwellings; these are plots 66-69 (Aldfield house type).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2017/90180 Erection of 95 dwellings with access from Yew Tree Road and Burn Road – Approved and the land is being built-out under this permission.

There are also discharge of condition applications associated with the above planning permission.

2020/92964 Non material amendment to previous permission 2017/90180 for erection of 95 dwellings – Undetermined (application relates to a separate parcel of land, not the current application site)

- 4.2 The following applications relate to land immediately to the north of the site on the opposite side of public byway HUD/396/40:

2020/91976 Erection of two detached dwellings – Undetermined

2016/90524 Outline application for erection of three dwellings – Approved

2016/90073 Outline application for erection of residential development – Approved

- 4.3 A number of outline planning permissions have been approved on land to the west of the application site. These are:

2018/90151 Outline application for residential development – Approved

2018/90776 Outline application for erection of up to 10 dwellings – Approved by Huddersfield Sub Committee

2018/90151 Outline application for erection of residential development – Approved

- 4.4 The following application relates to a piece of land towards the south of the site:

2019/94051 Outline application of up to 39 dwellings and associated works – Undetermined

- 4.5 All of the applications referred to above involve land that forms part of a single housing allocation (HS35).

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

- 5.1 Officers have sought amendments to the layout and design of the scheme to address urban design and crime prevention issues. Some changes to the proposals have been made and further information on this is set out within the appraisal.

- 5.2 The layout has been amended to address highway matters.

- 5.3 Additional information has been provided to address comments from The Coal Authority.

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 land is allocated for housing in the Local Plan (HS35).

- 6.3 Kirklees Local Plan (2019):

- LP1 – Presumption in favour of sustainable development
- LP2 – Place Shaping
- LP3 – Location of new development
- LP7 – Efficient use of land
- LP11 – Housing Mix and Affordable Housing
- LP20 – Sustainable travel
- LP21 – Highway Safety
- LP22 - Parking standards
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP33 – Trees
- LP35 – Heritage
- LP53 – Contaminated and unstable land
- LP65 – Housing allocation sites

6.4 Supplementary Planning Guidance / Documents:

Highway Design Guide
Interim Affordable Housing Policy (2020)

6.5 National Planning Guidance:

- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised by site notice, press advert and neighbour notification letters. In response to the publicity five representations have been received. A summary of the comments made is provided below.

- Plans are fundamentally different to the approved development
- Inclusion of 2.5 storey properties will further impact on privacy and detract from the character of the Kirklees Way
- There are already congestion and parking issues in this location; the additional houses - including an increase in the number of houses with direct onto Burn Road - will exacerbate this situation and make it more dangerous
- Local junctions are already dangerous; proposal will make this worse
- Increased pressure on local road network including Ainley Top roundabout
- Visual amenity and neighbouring properties will be severely affected by this number of houses
- Too many houses being built in this area; area is being overdeveloped
- Increased air, light and noise pollution as a result of the additional houses and associated traffic movements
- Increased pressure on local services including medical providers
- Construction work for new houses in this area has caused disruption and the proposal will extend this
- Loss of green fields/agricultural land

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objection

The Coal Authority – No objection

8.2 Non-statutory:

Police Architectural Liaison Officer – Concerns raised with rear access passages, position of rear access gates, lighting of private driveways and some of the boundary treatment.

9.0 MAIN ISSUES

- Principle of development
- Density and housing mix
- Urban design issues
- Heritage
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The principle of development has already been established by the extant planning permission (2017/90180) and since then the land has been allocated for housing in the Local Plan.

Density and housing mix

- 10.2 The proposal provides an additional ten dwellings over and above the approved layout on the site. The proposal therefore increases the overall density of development which makes a more efficient use of this housing land and makes a positive contribution towards the Council's housing delivery target.
- 10.3 In principle the proposed increase in the quantum of development is supported by Policy LP7 of the Local Plan and guidance in the National Planning Policy Framework which both promote an efficient use of land.
- 10.4 The approved scheme provided only detached dwellings on this parcel of land. The proposal introduces 17 terraced and semi-detached dwellings along with 13 detached properties, thereby providing a mixture of house types to meet different housing needs.
- 10.5 Policy LP11 of the Local Plan requires all proposals for housing to aim to provide a mix (size and tenure) of housing suitable for different household types. The proposal provides a mixture of house types on this parcel of the development and the application therefore meets the requirements of this policy.

Urban Design issues

- 10.6 The proposal introduces a number of new house types through the addition of semi-detached and terraced houses and a new detached dwelling type. The overall design of the proposal is generally consistent with the wider development for 95 dwellings however the proposal includes a 2.5 storey house type whereas the original 95 dwelling development specifically sought to limit the scale of the development to a maximum of two storeys.

- 10.7 There are four of the 2.5 storey house types, known as the Aldfield. These comprise plots 66-69 and form semi-detached dwellings. Officers raised this issue as a concern, particularly in the context of the original application for 95 houses. Initially one of these pairs of semi-detached houses was to the periphery of the site, immediately adjacent to the public byway. This has now been relocated within the site so that these house types sit side by side.
- 10.8 By way of comparison, the ridge height of the Aldfield house type is 1.7m higher than the Hadleigh house type and 1.5m higher than the Bamburgh house type. Both the Hadleigh and Bamburgh house types form semi-detached and terraced dwellings on the application site.
- 10.9 The applicant has provided images from another of their developments to show the relationship between the Aldfield house type next to one of the applicant's other two storey house types (which is comparable to the Hadleigh and Bamburgh in terms of height).
- 10.10 Officers have considered the potential for the 2.5 storey dwellings to appear unduly prominent within their context. While the Aldfield has three floors of accommodation the upper floor is contained within the roof space which limits the overall height and the upper floor is served by rooflights as opposed to dormer windows. Given that there are only four of these house types and they are all located internally to the site on balance officers consider that the 2.5 storey house type is acceptable.
- 10.11 A specific design feature of the approved 95 dwelling scheme was the inclusion of dual aspect properties on corner plots. This was to provide visual interest and an active interface between dwellings and the street scene on the most prominent plots. This is evident on the detached dwelling which occupies the corner plot on the southern side of the new estate road that serves the site as well as on dwellings on the separate parcel of land to the north west.
- 10.12 Plot 54 forms the corner plot at the site access adjacent to Burn Road. This house type comprises of an end terrace dwelling which has a blank gable wall. To improve the appearance of this particular dwelling and its relationship within the streetscene the applicant has amended the design to include two ground floor windows (a secondary living room window and a hallway window) as well as a dummy window ('tax window') to the upper floor to help to break up the expanse of blank walling. While this is not necessarily a traditional dual aspect dwelling the amendments do nevertheless serve a similar purpose.
- 10.13 Plot 51 also forms a corner plot and lies at the junction of Yew Tree Road, Burn Road and a public byway (Kirklees Way). Plot 51 is a detached dwelling with a gable end facing onto the byway which contains a single upper floor bathroom window. The applicant has indicated that it is not possible to add additional windows to this dwelling because of the layout of the house although it has been suggested that two tax windows could be added at ground floor level to break up the walling. The approved scheme had a dual aspect property in this part of the site and so this element of the proposal is less favourable in terms of the quality of design. This issue is to be considered in the overall planning balance.

- 10.14 The increase in the number of dwellings and the inclusion of semi-detached and terraced housing impacts on urban design issues because of the need to accommodate additional parking. As a consequence the streetscene within the site is much more heavily dominated by parking in comparison to the previously approved layout. It was suggested that the applicant remove one of the plots fronting onto the new estate road, for example by turning a block of three terraced houses into a pair of semi-detached houses. This would ease the predominance of frontage parking by enabling some parking to be provided down the sides of the dwellings. The applicant stated that a reduction in the quantum of development would render the proposed changes unviable.
- 10.15 The visual impact of the parking has been mitigated to an extent as a result of plot 54 having its parking spaces to the rear and a detached dwelling sits in between two of the terraces which helps to avoid a continuous row of parking spaces.
- 10.16 It was initially proposed to have seven properties fronting onto Burn Road, all with their own individual points of access. The layout has altered and there are now only three properties fronting onto Burn Road. This amendment, which was principally to address highway concerns, provides a visual benefit to the Burn Road street scene by limiting parking along the site frontage. The applicant has incorporated a strip of planting in between the parking for the two semi-detached dwellings fronting onto Burn Road in order to break up the parking spaces slightly.
- 10.17 The approved layout indicated that a drystone wall was to be retained along the full length of the northern boundary which also returned around the corner of Burn Road. A drystone wall was also shown to the site entrance on Burn Road. The retention of drystone boundary walls was identified as a positive aspect of the approved scheme because it maintained some of the semi-rural character of the area. The proposed layout only indicates a drystone wall to a proportion of the northern boundary and to ensure that the current proposal is reflective of the approved scheme in this regard a condition is recommended regarding boundary treatment.
- 10.18 The approved layout included a scrub buffer to a section of the northern boundary and the proposal retains this feature in a similar fashion.
- 10.19 In conclusion, there are aspects of the proposed design that are less favourable when compared to the previously approved layout although some of these are an inevitable consequence of the increased density of development. The applicant has also made some changes to address the concerns of officers. The design issues that have been identified need to be weighed in the overall planning balance; this includes the extra housing that will be delivered, the improved housing mix and the provision of additional affordable dwellings. On balance officers consider that the design is acceptable when these other matters are taken into account. On that basis the application accords with Policy LP24 of the Kirklees Local Plan and guidance in the NPPF.

Heritage issues

- 10.20 The site is within the setting of two listed buildings, both of which lie to the north. These are Middle Burn Farm and Lower Burn Farm. The proposed development would not have any materially greater impact on the setting of these heritage assets than the approved scheme and as such the application is considered to accord with Policy LP35 of the Local Plan, guidance in the NPPF and the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential Amenity

- 10.21 Separation distances within the site are considered to be acceptable and the layout also provides adequate separation to existing dwellings, as well as the development land to the north and west which includes those sites that are the subject of planning permissions/applications and detailed within the planning history section of this report.
- 10.22 An acceptable level of private amenity space is provided for each of the proposed dwellings.
- 10.23 In summary the application provides a suitably high standard of amenity and the application accords with Policy LP24 of the Local Plan and guidance in the NPPF.

Highway issues

- 10.24 Highways Development Management have assessed the application and consider the proposed layout and parking provision to be acceptable.
- 10.25 The increase in the quantum of development on the site would not give rise to any materially greater impact on the local highway network given the relatively limited increase in the number of dwellings. It is to be noted that when the approved application for 95 dwellings was considered the highways assessment was based on 190 dwellings and so the amount of development on this part of the housing allocation remains well below that level. It is acknowledged that since then other applications have come forward on the wider housing allocation although the cumulative impact remains within acceptable parameters.
- 10.26 Based on the above the application is considered to accord with Policy LP21 of the Local Plan.

Drainage issues

- 10.27 The proposal does not alter the drainage strategy that has already been approved for the development. The supplemental Section 106 will ensure that the surface water drainage on the application site is accounted for as part of the future maintenance and managements arrangements that are to be provided for the whole development.

Representations

- 10.28 Five representations have been received. A number of material planning considerations have been raised including the highway impacts of the development, visual amenity and residential amenity issues. However, given that there is an extant permission for 20 detached dwellings on the site it is not considered that the additional ten dwellings and the associated changes to the housing mix and general layout would result in any materially greater planning impacts. The concerns raised have been addressed within this report.

Planning obligations

- 10.29 The proposal provides two on-site affordable dwellings which represents 20% of the additional ten dwellings that are now proposed. This is in line with Policy LP11. These will be secured via the Section 106. A suitable tenure would be one intermediate dwelling and one social rented dwelling.
- 10.30 The original application for 95 dwellings secured education and off-site open space contributions as well as the provision of Metro Cards and a contribution towards highway works at the Halifax Road/East Street junction. A proportionate contribution towards all of these obligations is sought based on the additional quantum of development now proposed. This means that the developer will provide a contribution for the extra ten dwellings that they are seeking which will be based on the level of contribution secured under the original Section 106.

Other Matters

- 10.31 The Police Architectural Liaison Officer has raised a number of issues with the proposal including in relation to rear access passages, the position of rear access gates, lighting of private driveways and some of the boundary treatment. The applicant is revisiting these issues and further comments will be provided within the agenda update.
- 10.32 Air quality was assessed under the application for 95 dwellings and it is not considered that the additional dwellings would materially impact on air quality.
- 10.33 Additional information has been provided during the course of the application which has satisfied The Coal Authority.
- 10.34 The proposal would not have any materially greater impact on issues relating to climate change over and above the approved development. A condition for electric vehicle recharging points for each dwelling is recommended.
- 10.35 Conditions are recommended to ensure that the development remains consistent with the previously approved scheme. This includes facing materials, the carrying out of development operations (phasing, temporary drainage and construction management plan), ecological mitigation, drainage, remediation, noise mitigation and highway matters.

11.0 CONCLUSION

- 11.1 The proposal makes a more efficient use of this housing land and provides a better mixture of house types. The density of development would not be out of keeping with the surrounding area and a sufficiently high standard of amenity would be provided for future and existing residents. On balance the scale and appearance of the dwellings are considered to be acceptable and the proposed development is acceptable in highway safety terms. The application also delivers relevant planning obligations including two affordable dwellings on-site and financial contributions commensurate to those secured under the original planning permission.
- 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. Time limit (3 years)
2. Development in accordance with the approved plans
3. Development in accordance with previously approved phasing plan
4. Development carried out in accordance with previously approved construction management plan
5. Off-site highway works provided in accordance with previously approved phasing
6. Development carried out in accordance with previously approved temporary drainage scheme
7. Facing materials for the development as previously approved
8. Electric vehicle charging point for each dwelling
9. Scheme for ecological mitigation that is consistent with the previously approved development
10. Development carried out in accordance with approved surface water drainage scheme
11. Development in accordance with previously approved Travel Plan
12. Parking areas to be surfaced and drained
13. Remediation of the site carried out in accordance with the previously approved scheme
14. Noise mitigation measures incorporated in line with the previously approved noise report
15. Two ground floor tax windows to be added to north facing side wall of plot 51

Background Papers:

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f90942>

Certificate of Ownership – Certificate A signed.