
Report of the Head of Planning and Development

HEAVY WOOLLEN PLANNING SUB-COMMITTEE

Date: 14-Apr-2021

Subject: Planning Application 2015/90321 Demolition of existing buildings and erection of 43 dwellings with associated access, parking, landscaping and open space Park Farm, Off Smithies Lane, Heckmondwike, WF15 7PQ

APPLICANT

Park Farm

DATE VALID

08-Apr-2015

TARGET DATE

08-Jul-2015

EXTENSION EXPIRY DATE

08-Feb-2019

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: Heckmondwike

Ward Councillors consulted: No

Public or private: Public

REFUSE

1. Significant highway improvement works are required to bring Smithies Lane up to adoptable standards in order to serve the proposed development. The existing section of highway referred to as Phase I on the submitted details is not suitable to be adopted in its current form. As such it would not be possible for the remaining phasing of the works to be joined into this as required to serve the proposed development. Without securing the required highway improvement works, to allow the intensification of use of this substandard access would be detrimental to highway safety and contrary to Policy LP21 of the Kirklees Local Plan.

1.0 INTRODUCTION:

- 1.1 The application is brought to Heavy Woollen Planning Sub-Committee as the application is for a residential development comprising of a site in excess of 0.5 hectares. This is in accordance with the Council's Scheme of Delegation.
- 1.2 The application was previously brought to the Heavy Woollen Planning Sub Committee on 23 August 2018 where Members agreed with Officers' recommendation to approve the application subject to conditions.
- 1.3 The application is brought back to the Heavy Woollen Planning Sub-Committee as the applicant has failed to agree to the pre-commencement conditions considered necessary and reasonable to make the development acceptable. In particular, these relate to the submission of details for the required phased highway improvement works along the access road to the development. In the absence of these works, the proposed development would be detrimental to highway safety, and therefore Officers recommend that the application should be refused.
- 1.4 For clarification, the previous officer report included in the 23 August 2018 agenda is attached below, at Appendix I.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is located within the Ponderosa Park complex and comprises of a number of industrial buildings, green houses and other buildings. The main uses on the site are commercial and craftwork associated with the Ponderosa Therapeutic centre. The craftwork element has now re-located to a new site off Smithies Lane. The application site is to the north-east of the main Ponderosa complex on higher ground that rises up from Smithies Lane with a levels difference of up to 17m.

2.2 The existing buildings on site range from single storey to a large three storey industrial type building central within the site.

2.3 To the North West of the site lies Heckmondwike town centre with industrial premises to the North off Smithies Lane and a wooded embankment beyond. To the East is the former Spenborough sewage treatment works, to the South is a farm and the Ponderosa Park complex with three residential properties, to the West is predominantly open fields with the village of Norristhorpe beyond.

3.0 PROPOSAL:

3.1 Full planning permission is sought for the erection of 43 dwellings with associated access, parking, landscaping and open space at a brownfield site within the Ponderosa complex, Heckmondwike. The development would consist of:

- 8 x 2 bed dwellings
- 19 x 3 bed dwellings
- 11 x 4 bed dwellings
- 5 x 2 bed apartments

3.2 Each dwelling would be unique in terms of its design and appearance with a strong emphasis on agricultural and industrial structures. A mixed palette of materials is proposed, including stone, brick, render and some timber cladding. The layout of the proposed development would closely-spaced, centred around the large building within the middle of the site.

3.3 Due to the levels of the site and the existing buildings, the development would effectively be in three tiers, with a road around the centre of the development. Access would be via Smithies Lane where improvements are proposed to the highway, as well as to the junction into the Ponderosa complex.

3.4 Footpath connectivity through the site to link up with the Spen Valley Greenway, as well as to the Dewsbury Country Park, are proposed.

4.0 HIGHWAY CONSIDERATIONS:

4.1 The application seeks permission for the demolition of existing buildings and erection of 43 dwellings (a mix of two, three and four bedrooms) with associated access, parking, landscape and open space.

4.2 The details which follow relate to the highway improvement works which were proposed by the applicant which would need to be secured by condition to ensure their delivery:.

4.3 The proposed site layout is indicated on drawing number 0149-03 Rev M. Access is proposed from Station Lane via Smithies Lane to an estate road 5.5m wide with a 2 m wide footway. The proposed parking, servicing arrangements and layout are considered acceptable.

- 4.4 Traffic counts during the morning (0730 – 0930hrs) and evening (1630 – 1830 hrs) peak periods have been undertaken at the Station Lane / Smithies Lane to determine the base flows at the junction. The junction analysis for the baseline condition has been undertaken and the results indicate that no delays are generally experienced at the Station Lane / Smithies Lane junction.
- 4.5 Traffic Generation associated with the proposed development proposal is predicted to be 35 two way trips in both the AM and PM peak periods. Further junction analysis at Station Lane/Smithies Lane junction has been undertaken to determine the impact of the proposed trip generation at the junction. The results show that the junction would operate satisfactorily with no likely queues.
- 4.6 A number of highway works were originally proposed (as referred to in the committee report included at Appendix I) and were shown on drawing number 1505907, indicating the phasing of the proposed highway works. The phasing diagram indicated four phases and the works under each phase are outlined below:

Phase 1

- Carriageway width from Smithies Lane (Phase 1) to development access road (phase 3) to be 6.5m in width to cater for future development and facilitate HGV usage to and from the existing reclamation site;
- Drainage works.

Phase 2

- Proposed 2m wide footway along Smithies Lane from the extent of the existing Section 38 agreement to the start of bridleway, encompassing a vehicular drop crossing facility for the vehicular access to No. 440 Smithies Lane;
- Proposed 3.5m wide bridleway and fence along Smithies Lane including a gabion wall along that section of road and a 4m bridleway crossing near the business park; and
- Proposed 3.5m wide footway/cycleway including a fence from the bridleway crossing near the business park up to the proposed development access.

Phase 3

- A proposed footpath including steps across the bendy section of the estate road;
- Proposed 2m wide footpath to connect to Public footpath 141; To PROW specification;
- Proposed 2m wide footpath to connect to Public footpath 143; To PROW specification;
- The site access road of 5.5m width from off Smithies Lane, which will incorporate a turning head that it has been demonstrated, will be able to accommodate the turning manoeuvres of a 11.6m long refuse vehicle.

Phase 4

- A connection to the strategic route for pedestrians and cyclists through land within the applicant's control (up to public footpath MIR/9/40).

- 4.7 Within the application site, the access road will be required to be constructed to an adoptable standard with sufficient parking for the dwellings as well as visitors. As shown on the submitted plans, the development would provide sufficient facilities for refuse/emergency vehicles as the design solution ensures that these vehicles can enter and exit the site via the circular 'loop road' around the central part of the development.
- 4.8 Adequate and appropriate control for the delivery of on-site and off-site infrastructure improvements was required to be secured by condition. Such conditions are necessary to make the development acceptable in planning terms. Following Members' resolution to approve the application at the Heavy Woollen Planning Sub Committee on 23 August 2018, the applicant was provided with a list of pre-commencement conditions requiring their agreement. In response to this, the applicant sought to undertake negotiations with Officers in respect of the conditions pertaining to the highway improvement works. This involved the Council's Section 38 team producing a preliminary estimate of the costs for the works to bring the first section of Smithies Lane up to adoptable standard (Phase I) as set out above. The costs estimated for Phase I alone would only rectify works that have been undertaken incorrectly by the applicant. However, Phase I is not suitable to be adopted in its current form. As such it would not be possible for the remaining phasing of the works to be joined into this as required to serve the proposed development. This would be detrimental to highway safety and contrary to Policy LP 21 of the Kirklees Local Plan.

RESIDENTIAL AMENITY - Additional Information

- 4.9 The sizes (in sqm) of the proposed residential units are a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD.
- 4.10 Whilst some units would be slightly below the NDSS, it is acknowledged that each dwelling has a slightly different design and takes into account the volume of the existing buildings, due to its Green Belt setting. The space standards set out in the NDSS need to be weighed against the impact of the development on the openness of the Green Belt.

5.0 CONCLUSION

- 5.1 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.

- 5.2 The applicant has failed to agree to the pre-commencement conditions considered necessary and reasonable to make the development acceptable. In particular, these relate to the submission of details for the required phased highway improvement works along the access road to the development. In the absence of these works, the proposed development would be detrimental to highway safety and would not constitute sustainable development.
- 5.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development proposals do not accord with the development plan and/or the adverse impacts of granting permission would significantly and demonstrably outweigh any benefits of the development when assessed against policies in the NPPF and other material considerations.

6.0 RECOMMENDATION

- 6.1 To conclude, significant highway improvement works are required to bring Smithies Lane up to adoptable standards in order to serve the proposed development. The existing section of highway referred to as Phase I on the submitted details is not suitable to be adopted in its current form. As such it would not be possible for the remaining phasing of works to be joined into this as required to serve the proposed development. The intensification of use of the access that would result from the proposal development would be detrimental to highway safety and contrary to Policy LP 21 of the Kirklees Local Plan.
- 6.2 The application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development does not accord with Policy LP21 of the Kirklees Local Plan and that the adverse impacts of development would significantly and demonstrably outweigh its benefits with assessed policies within the NPPF taken as a whole.

Background Papers:

Application and history files.

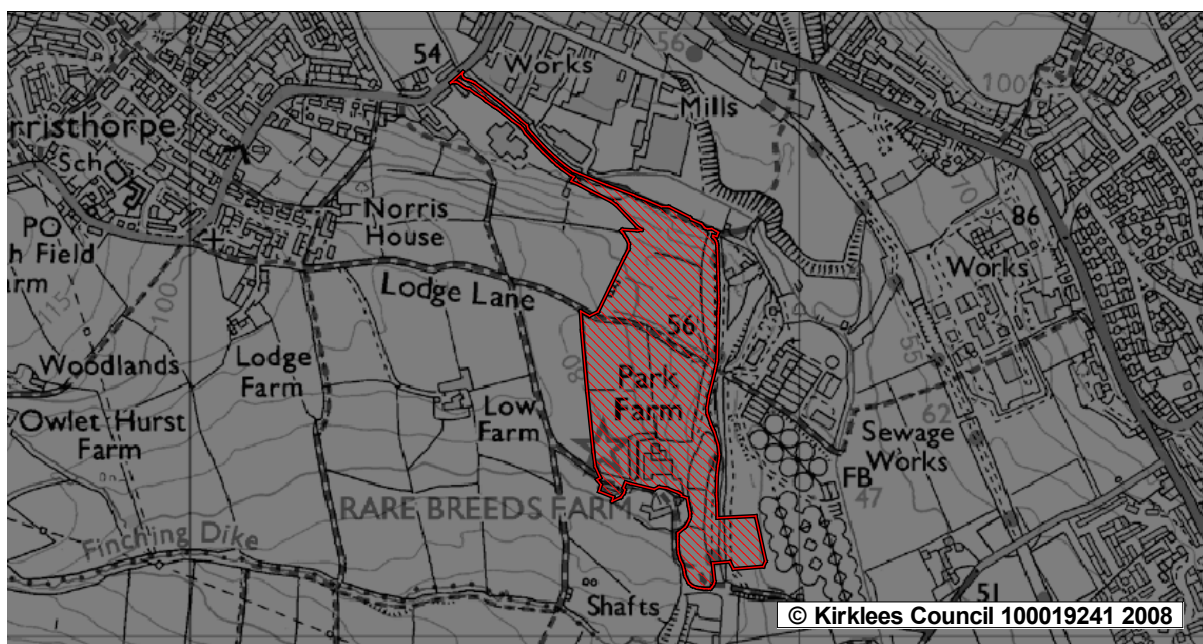
Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90321>

Certificate of Ownership – Certificate B signed and Notice served on Yorkshire Water

APPENDIX I

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Heckmondwike

No

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

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- 1.2 The application was previously brought to the Heavy Woollen Planning Sub Committee on 10 December 2015 where Members agreed with Officers' recommendation which was as follows:

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

(I) ADDRESS ALL OUTSTANDING PLANNING MATTERS WHICH INCLUDE PUBLIC RIGHTS OF WAY AND DETAIL OF HIGHWAY IMPROVEMENT WORKS;

(II) SECURE BY WAY OF PLANNING OBLIGATION THE FINANCIAL CONTRIBUTIONS DETAILED IN THE REPORT;

(III) IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS ARISING FROM THE OUTSTANDING MATTERS; AND

(IV) SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THIS RECOMMENDATION, TO ISSUE THE DECISION

12.1 The application is brought back to the Heavy Woollen Planning Sub Committee as the applicant has failed to complete the required S106 legal agreement relating to the financial contributions required for Public Open Space, Education, and Affordable Housing Provision. The applicant has subsequently submitted a Viability Appraisal which has been independently assessed on behalf of the Council and the conclusion of the Viability appraisal were accepted by the Council's consultant. The consultant's conclusions are that the proposed development is unable to support any affordable housing or education contribution.

1.4 For clarification, there are no outstanding matters relating to public rights of way or highway improvement works. The details relating to these are addressed in the report and conditions are recommended with respect to the specific phasing of the works.

2.0 SITE AND SURROUNDINGS:

2.1 The application site is located within the Ponderosa Park complex and comprises of a number of industrial buildings, green houses and other buildings. The main uses on the site are commercial and craftwork associated with the Ponderosa Therapeutic centre. The craftwork element has now relocated to a new site off Smithies Lane. The application site is to the north-east of the main Ponderosa complex on higher ground that rises up from Smithies Lane with a levels difference of up to 17m.

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2.3 To the North West of the site lies Heckmondwike town centre with industrial premises to the North off Smithies Lane and a wooded embankment beyond. To the East is the former Spenborough sewage treatment works, to the South is a farm and the Ponderosa Park complex with three residential properties, to the West is predominantly open fields with the village of Norristhorpe beyond.

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3.3 Due to the levels of the site and the existing buildings, the development would effectively be in three tiers, with a road around the centre of the development. Access would be via Smithies Lane where improvements are proposed to the highway, as well as to the junction into the Ponderosa complex.

3.4 Footpath connectivity through the site to link up with the Spen Valley Greenway, as well as to the Dewsbury Country Park, are proposed.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2011/92060 - Outline application for erection of continuing care retirement community ECO complex - Refused and dismissed at appeal due to no 'very special circumstances' being demonstrated.

N.B. (This was on a different part of the site not occupied by any buildings and therefore Greenfield in nature)

2014/92598 – Erection of workshop units - Approved

4.1 There are several other applications within the wider Ponderosa site; none of which are considered directly relevant to this application.

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

5.1 Following the Heavy Woollen Planning Sub Committee on 10 December 2015, a draft Section 106 agreement was prepared, however this has not been completed by the applicant. The applicant has since submitted a Viability Appraisal which has been independently assessed and concludes that it is not viable to provide any contributions with respect to affordable housing and education.

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 Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 48 of the National Planning Policy Framework

(2018). In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2018), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The application site is located within the allocated Green Belt on the UDP proposals map and on the Kirklees Publication Draft Local Plan.

6.3 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

H1 – Housing Needs of district
H10 – Affordable housing
H12 – Arrangements for securing affordable housing
H18 – Public open space
BE1 – Design principles
BE2 – Design of new development
BE11 – Materials
BE12 – Space about buildings
BE23 – New development and crime prevention
T10 – Highway safety
T16 – Safe pedestrian routes in new developments.
T17 – Needs of cyclists
T19 – Parking standards
NE9 – Retention of mature trees
EP4 – Development and noise
EP11 – Landscaping and ecology
G6 – Development and contamination
R13 – Developments affecting Public Rights of Way
T18 – Strategic routes for pedestrians and cyclists

6.4 Kirklees Publication Draft Local Plan

PLP1 - Presumption in favour of sustainable development
PLP3 - Location of new development
PLP7 - Efficient use of land and buildings
PLP11 - Housing mix and economy
PLP 20 - Sustainable travel
PLP21 - Highway safety and access
PLP22 - Parking
PLP24 - Design
PLP28 - Drainage
PLP30 - Biodiversity and Geodiversity
PLP32 - Landscape
PLP33 – Trees
PLP49 - Education and Healthcare needs
PLP53 - Contaminated and unstable land

6.5 National Planning Policy Framework:

Chapter 2 – Achieving sustainable development
Chapter 5 - Delivering a sufficient supply of homes

- Chapter 6** – Building a strong, competitive economy
- Chapter 8** – Promoting Healthy and Safe Communities
- Chapter 9** – Promoting sustainable transport
- Chapter 11** – Making efficient use of land
- Chapter 12** – Achieving well designed places
- Chapter 13** – Protecting Green Belt Land
- Chapter 14** – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15** – Conserving and enhancing the natural environment

6.6 Supplementary Planning Guidance/Documents

SPD 2 (2008) – Affordable Housing

Kirklees Council Interim policy on affordable housing

KMC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 As a result of the publicity for the application, two representations were received. The planning concerns raised are summarised as follows:

- Access to the public footpaths would be directly affected by these proposed dwellings.
- Junction of Smithies Lane/entrance to Ponderosa is particularly bad.
- Hope the full road would be adopted to prevent speeding cars.

8.0 **CONSULTATION RESPONSES:**

8.1 Below is a summary of the consultation responses received at the time of submission of the application; where appropriate these are expanded upon in the assessment section of this report:

8.2 **Statutory:**

K.C. Highways Development Management – No objections subject to conditions regarding the upgrading of the surrounding highway network.

K.C Lead Local Flood Authority – No objections subject to conditions.

Environment Agency – No objections subject to conditions.

Yorkshire Water – Do not object to the application but records show some water mains running through the site which may affect layout. Recommend conditions.

Coal Authority – No objections subject to conditions.

8.3 **Non-statutory:**

K.C. Environmental Services – No objections subject to conditions.

KC Arboricultural Officer – No objections subject to a landscaping plan.

K.C. Planning Policy – No comments received.

K.C. Ecology & Biodiversity Officer – No objections subject to conditions.

K.C. Kirklees Public Rights of Way Officer – No objections in principle to the development but require further information and details with regard to future connectivity to existing PROW's as well as the new footpath/cycleway link.

K.C. School Organisation & Planning – Education contribution required.

K.C. Strategic Housing – Affordable housing required.

K.C Parks & Open Spaces – The provision for Public Open Space on site is acceptable subject to an agreement regarding its long term management and maintenance.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The application site is located within the allocated Green Belt on the UDP proposals map. The application site contains a number of buildings ranging in height from single storey to three storeys (central within the site) and as such is a previously developed (brownfield) site within the Green Belt. These buildings were, up until recently, used for commercial use linked to Ponderosa, as well as craftwork associated with the therapeutic centre for people with learning difficulties.

10.2 Chapter 13 of the NPPF sets out national planning policy relating to the protection of Green Belt land. Paragraph 143 states that development within the Green Belt is classed as inappropriate and should only be approved with 'very special circumstances' which outweigh the harm. However, Paragraph 145 of the NPPF states that certain developments need not be inappropriate. One such example is:

“Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- *not have a greater impact on the openness of the Green Belt than the existing development; or*
- *not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the Local Planning Authority*

10.3 In this case, the principle of development was considered to be acceptable at the time of the Committee resolution in 2015 - officers are satisfied that the application site (i.e. where the dwellings are proposed) is previously developed (brownfield) and can, subject to other matters, be considered for potential re-development.

10.4 An assessment of the footprint and volumes of the existing buildings on site compared with the proposed development is a quantitative assessment as to the overall impact of a development. These measurements are:–

Existing footprint 3,759.87 sqm (40,471 sqft)

Proposed footprint 3,704.60 sqm (39,876 sqft)

Existing Volumes 20,867.47 m3

Proposed Volumes 16,120.63 m3

10.6 These figures show that there would be a 2% reduction in footprint and a 23% reduction in the volume, demonstrating that the proposed development would have no greater impact upon the openness of the Green Belt than the existing situation and would actually result in an improvement to the openness. Furthermore, whilst the proposed development would retain the existing footprint, there would be more space between the buildings which would open up the views through the buildings and would therefore allow for greater openness through the Green Belt than the existing situation.

10.7 Officers consider that the applicant has satisfactorily demonstrated that the development proposed would have no greater impact on the openness of the Green Belt having regard to the scale, mass and form of the development proposed in comparison to that of the existing development on site. There would also be no greater impact on the visual amenity of the Green Belt having regard to the amount and scale of existing and proposed development within the site, space within the proposed layout, and prevention of any urban sprawl. As such, the proposal is considered to comply with the aims of paragraph 89 of the NPPF.

Sustainable Development

10.8 At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking. Paragraph 2 of the NPPF also states that the purpose of the planning system “is to contribute to the achievement of sustainable development.” Achieving sustainable development means that the planning system has three overarching objectives which are interdependent and need to be pursued in mutual supportive ways (paragraph 8 of NPPF)

In terms of the development proposed:

10.9 Economic

A proposal for 43 dwellings provides some economic gains by providing business opportunities for contractors and suppliers. In accordance with the NPPF, new houses would support growth and satisfy housing needs, thereby contributing to the building of a strong economy.

10.10 Social

There would also be a social gain through the provision of new housing at a time of general shortage. The site is a relatively short distance from Heckmondwike Town Centre and employment and entertainment provision within the wider Heavy Woollen area. Wider connections are available from the bus services in Heckmondwike with bus stops located on Norristhorpe Lane. The proposal would also be subject to an affordable housing requirement which would be a positive component of the social role of development.

10.11 Environmental

The development of a previously developed (Brownfield) site represents an opportunity for environmental gain. National Policy encourages the use of brownfield land for development. The submitted bat/ecological reports highlight the ecological opportunities that the redevelopment proposal would also offer.

10.12 In addition to this, the location of the site offers an opportunity to provide wide ranging connectivity onto the surrounding Public Footpath network as well as to the Dewsbury Country Park and the Spennings Greenway. The proposals include the upgrading of an existing Bridleway (SPE/142/10) along Smithies Lane to provide a demarcation of the road for all users. Furthermore, the proposal would include new links to existing PROW's (SPE/141/30 & SPE/143/30) which run north and south of the application site.

10.13 In addition to this and in line with Policy T18 (ii) of the UDP, a new PROW would be formed to the east of the site, running north/south which would provide a new route through the application site and provide some connectivity to the wider PROW network. Having this PROW connectivity would also provide a link onto the Spennings Greenway which is located to the east of the site as well as to Dewsbury Country Park located to south. These are considered to be significant environmental benefits which add a large amount of weight in favour of the proposal.

10.14 Taking all of the above into consideration, the proposal is considered to represent a sustainable form of development which would provide significant improvements to the surrounding PROW network, providing connectivity to local amenities and outdoor recreational facilities.

Employment considerations:

10.15 The application site forms part of the wider Ponderosa complex which contains several inter-linked elements:

- Ponderosa visitor farm
- Ponderosa rural crafts centre
- Ponderosa therapeutic centre

- Ponderosa Café & Restaurant
- Woodlands Conference centre

10.16 The existing buildings on the site are used for activities related to the therapeutic centre and are workshops and other uses for people with learning difficulties. The intention is to relocate these uses to elsewhere within the wider Ponderosa site. Permission was granted in 2014 for new workshop units to be located to the north of the site within the Ponderosa Business Park, and this permission has now been implemented. Subject to permission being granted for this development, then these previously approved workshop units would replace the buildings on this application site. As such, there would be no loss of employment as a result of the proposed development.

10.17 In terms of re-using the buildings for alternative employment uses, whilst the existing buildings do not have any restrictive planning conditions in terms of their use(s) or hours of operation; their configuration, scale, age and building types do not lend themselves easily to other commercial uses. Furthermore, there is a clear association with the wider Ponderosa complex which would potentially make it difficult to successfully market the buildings for other, unrelated, uses.

10.18 In addition to this, there are three dwellings located to the south of the site (accessed via Lodge Lane) which could potentially be impacted by any future commercial use on the site, especially as they could operate relatively unrestricted with regard to hours of operation etc.

10.19 Officers therefore consider that having an unrestricted business/industrial operation in this location would not be suitable for the amenities of the surrounding occupants.

10.20 In light of the above, officers are satisfied that the requirements of Policies B1 and B4 of the UDP and Policy PLP 8 of the PDLP have been addressed and the development is considered to be acceptable with regard to the loss of these industrial units.

10.21 Due to the size, scale and numbers of dwellings proposed, the scheme is subject to a number of contributions with regard to affordable housing, public open space and education. The table below details the policy requirements in relation to the development and the contributions to be delivered by the development, as set out in December 2015:

Provision/Contribution	Policy Requirement	Contributions/costs
Affordable Housing	15% of residential floor space for Brownfield developments	15% of residential floor space
Education	£106,256	£106,256
Public Open Space	30sq.m per dwelling (or equivalent for off-street contributions)	On site contribution of 2010sqm of POS over two areas(policy requirement is 1290sqm)

- 10.22 All contributions were proposed to be provided when the application was brought to the Heavy Woollen Planning Sub Committee on 10 December 2015. These were to be secured via a Section 106 Agreement prior to the decision notice being issued. However, whilst a draft agreement was prepared, this was not completed and the applicant has recently submitted a Viability Appraisal.
- 10.23 Para. 57 of the NPPF advises that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. In this case, the Viability Appraisal submitted by the applicant was independently assessed on behalf of the Council and the conclusions of the viability appraisal were accepted by the Council's consultant. The consultant's conclusions are that the proposed development is unable to support any affordable housing or education contribution. Officers' advice to Members is that they can consider whether, in the interest of housing delivery and enabling a brownfield site to come forward, whether a pragmatic approach to enable this site is appropriate.

Highway considerations:

- 10.24 The application seeks permission for the demolition of existing buildings and erection of 43 dwellings (a mix of two, three and four bedrooms) with associated access, parking, landscape and open space.
- 10.25 The proposed site layout is indicated on drawing number 0149-03 Rev M. Access is proposed from Station Lane via Smithies Lane to an estate road 5.5m wide with a 2 m wide footway. The proposed parking, servicing arrangements and layout are considered acceptable.
- 10.26 Traffic counts during the morning (0730 – 0930hrs) and evening (1630 – 1830 hrs) peak periods have been undertaken at the Station Lane / Smithies Lane to determine the base flows at the junction. The junction analysis for the baseline condition has been undertaken and the results indicate that no delays are generally experienced at the Station Lane / Smithies Lane junction.
- 10.27 Traffic Generation associated with the proposed development proposal is predicted to be 35 two way trips in both the AM and PM peak periods. Further junction analysis at Station Lane/Smithies Lane junction has been undertaken to determine the impact of the proposed trip generation at the junction. The results show that the junction would operate satisfactorily with no likely queues.
- 10.28 A number of highway works are proposed and drawing number 1505907 indicates the phasing of the proposed highway works. The phasing diagram indicates four phases and the works under each phase are outlined below:

Phase 1

- Carriageway width from Smithies Lane (Phase 1) to development access road (phase 3) to be 6.5m in width to cater for future development and facilitate HGV usage to and from the existing reclamation site;
- Drainage works.

Phase 2

- Proposed 2m wide footway along Smithies Lane from the extent of the existing Section 38 agreement to the start of bridleway, encompassing a vehicular drop crossing facility for the vehicular access to No. 440 Smithies Lane;
- Proposed 3.5m wide bridleway and fence along Smithies Lane including a gabion wall along that section of road and a 4m bridleway crossing near the business park; and
- Proposed 3.5m wide footway/cycleway including a fence from the bridleway crossing near the business park up to the proposed development access.

Phase 3

- A proposed footpath including steps across the bendy section of the estate road;
- Proposed 2m wide footpath to connect to Public footpath 141; To PROW specification;
- Proposed 2m wide footpath to connect to Public footpath 143; To PROW specification;
- The site access road of 5.5m width from off Smithies Lane, which will incorporate a turning head that it has been demonstrated, will be able to accommodate the turning manoeuvres of a 11.6m long refuse vehicle.

Phase 4

- A connection to the strategic route for pedestrians and cyclists (policy UDP T18) through land within the applicant's control (up to public footpath MIR/9/40).

10.29 Within the application site, the access road will be constructed to an adoptable standard with sufficient parking for the dwellings as well as visitors. The development will provide sufficient facilities for refuse/emergency vehicles as the design solution ensures that these vehicles can enter and exit the site via the circular 'loop road' around the central part of the development.

10.30 Existing Public Rights of Way will be protected and there would, in officers opinion, be substantial improvements to public access onto these existing PROW's by the provision of footpath links or a new footpath/cycleway located through the site, providing a significant benefit by connecting footpaths throughout the immediate locality and providing a significant link between Mirfield and Spen (with links connecting to Heckmondwike and Dewsbury).

10.31 On this basis, and upon adequate and appropriate control for the delivery of on-site and off-site infrastructure improvements, there are no objections to the development proposal which would comply with current planning policies regarding highway safety and access.

Impact on visual amenity:

10.32 Policies BE1, BE2 and BE11 of the UDP and Policy PLP 24 are considerations in relation to design, layout and materials. The layout of buildings should respect any traditional character the area may have. New development should also respect the scale, height and design of adjoining buildings and be in keeping with the predominant character of the area.

- 10.33 The design ethos for this development is to create a bespoke set of dwellings which would harmonise well within the context of the semi-rural/Green Belt setting. To this end, a great deal of work has been undertaken with regard to the design of the development to achieve a high quality development. Each dwelling/building would have a different design and appearance representing agricultural and farming buildings.
- 10.34 Due to the levels of the site and the scale of the existing buildings, the proposed development would replicate this existing footprint, with the feature of the development centrally placed within the site (a two and half storey mill type building). Buildings to the west (highest part of the site) would be between one and one and half storeys which would reflect the existing buildings on site. The area to the east (lowest part of the site) would contain two storey dwellings, again which would reflect the scale of existing buildings on site. As such, Officers consider that the overall scale of the development would harmonise well within its surroundings and would have a positive contribution upon the character and appearance of the wider area.
- 10.35 Turning to the design of the development, as stated previously, the proposal would be bespoke with each building being of a different design. There would be a varied use of materials, including stone, brick, render and timber cladding. This again, is considered acceptable by Officers as it would be reflective of how a rural development such as this would have evolved. The design of the development would replicate different types of buildings one would expect to see, including:-
- converted barns;
 - farmhouses;
 - workers cottages (traditional terraces);
 - agricultural buildings (typical of what would be found of a farmstead);
 - cottages;
- 10.36 Each of these types of buildings would have an individual style with different characteristics typical for the style of building proposed. On the 'converted barns', each dwelling would have large 'barn arch' type openings which is a feature found on these types of buildings. Likewise, the farmhouse properties would have a traditional appearance with symmetrical openings.
- 10.37 The large building central within the site would maintain this appearance as it would replicate a large agricultural building constructed of materials typical of such a building.
- 10.38 The western part of the site would contain smaller single or one & half storey weaver's cottage type dwellings. It is the view of officers that their design and appearance would harmonise well with the surrounding development and given their small scale, would not have a significant impact upon the openness of the Green Belt (fields) beyond.
- 10.39 Officers consider that the proposed development would be of a high standard, with exceptional care being paid to the individual design of the dwellings/buildings so as to replicate a typical farmstead type complex. The mix of materials would further enhance the development and provide an acceptable form of development.

10.40 On the basis of the above, the application is considered, by officers, to accord with the aims of Policies BE1, BE2 and BE11 of the UDP, Policy PLP24 of the PDLP and chapters 5 and 12 of the NPPF.

Residential Amenity:

10.41 The location of the proposed development would be within a semi-rural location where there are few other residential units within close proximity. There are however, three dwellings to the south of the site (The Barn, Park Farm and Park House) which are un-associated with the proposed development. There would be a minimum distance of 24m between the proposed dwellings and these existing properties (Plot 19 and The Barn). This distance is in excess of the distances set out in policy BE12 of the UDP and as such, would not create any undue issues with regard to overlooking.

10.42 Internally within the site however, the development would be slightly below the recommended distances set out in policy BE12 of the UDP (maximum of 3m-5m shortfall). However, the pre-amble which accompanies policy BE12 does allow for distances less than those set out in the policy in certain cases. Paragraph 4.27 of the UDP states:

“On new development, the principle criteria for determining space requirements should be good design, respect for site levels and the space for existing and future residents.”

10.43 In this case, the design and layout of the development is considered to be an important factor when assessing space standards. The levels of the site are also a key factor when assessing any potential impact upon residential amenity.

10.44 The site has three distinct areas which are defined by their respective levels within the site - the eastern, central, and western areas. The eastern part of the site is the lowest with the western part being the highest. The layout and scale of the development would respect these level differences and would ensure that there would be minimal overall impact upon the amenity of any future residents of the development. Furthermore, the design ethos of the development is such that it seeks to replicate a tight knit farmstead where a sense of community is a key feature. This requires a degree of flexibility when assessing any potential impact upon residential amenity. In addition to this, there would only be a minimal shortfall between certain plots when assessed against the aims of Policy BE12, with the largest shortfall being 5m between plots 37, 38 and 39 to plots 34, 35 and 36 (16m where 21m is recommended). These plots are to the west of the site and are addressed by the levels difference across the site. This means that the overall impact is considered, by officers, to be minimal.

10.45 Taking the above into account, Officers consider that the proposed development, due to its scale, layout and appearance, would have a minimal impact upon the residential amenities of any future occupants of the development. Furthermore, the proposal would comply with the aims of Policy BE12 of the UDP with regard to distances to existing dwellings located to the south, on Lodge Lane.

Trees and ecology:

Trees:

- 10.46 There are no trees either within the application site or within close proximity to the site which are subject to a Tree Preservation Order (TPO). The trees which are within the site are of poor quality and do not meet the requirements for a new TPO to be served.
- 10.47 An amended landscaping plan has been submitted which addresses officers' previous concerns that it lacked any meaningful detail with regard to the species proposed. Whilst this amended plan does, to some degree, address the concerns highlighted previously, the landscaping scheme is limited to the location of the dwellings. Given the extensive nature of the development which includes footpath links, officers consider that a more detailed landscaping scheme is required which covers the wider area. Furthermore, no details have been provided with regard to its longer term vitality and maintenance which is considered to be an important part of the scheme.
- 10.48 Officers are satisfied that the above can be secured via appropriate conditions. As such, subject to conditions regarding landscaping and future maintenance, the application would comply with the aims of policies BE1, EP11, and NE9 of the UDP as well as the aims of the NPPF.

Ecology:

- 10.49 An ecological survey and bat roost assessment have been submitted with the application. The ecological survey has established that the site is of very limited ecological interest and none of the buildings or trees present have any bat roost potential. An old swallow nest was found in one of the buildings and other birds are likely to use some of the trees and shrubs for nesting.
- 10.50 The submitted report makes a series of recommendations which include:-
- Provision for nesting barn owls.
 - Provision for nesting swallows either by incorporating these into outbuildings or by providing canopies erected on new buildings.
 - The inclusion of bat boxes and bird boxes within and integral to the new dwellings. These should include bird boxes for swifts and sparrows integral to buildings and starling boxes on the more mature trees within the site.
 - Provision for nesting birds in the gabion walls to be installed along the eastern boundary of the site.
 - The use of traditional bitumen roof liners where the roofs are constructed with traditional stone slates or other materials which provide gaps suitable for roosting bats.
 - A landscape management plan which details how the landscaping will be managed to enhance biodiversity within and beyond the site.
- 10.51 The Council's Ecologist recommends that these recommendations are conditioned in line with section 10 of the submitted Ecological report.
- 10.52 The principle of the proposed landscaping scheme is considered to be acceptable however, for the reasons set out previously; it is recommended that

further details are required by condition. Subject to these conditions, the application would comply with the aims of chapter 15 of the NPPF.

Flood Risk / Drainage:

- 10.53 The application has been submitted with a Flood Risk Assessment which has been assessed. Both the Environment Agency and Kirklees Flood Management and Drainage offer no objection to the application, subject to conditions relating to the management of surface water run-off and to ensure the disposal of foul, surface, and land drainage.
- 10.54 Yorkshire Water has also been consulted on the application and whilst not objecting to the proposal, has raised concerns that there are some sewers and water mains which cross the site to the western part of the site, potentially affecting the layout of the proposed development. Maps have been provided which show the actual position of these sewers which have been overlaid onto the proposed site block plan.
- 10.55 Upon further investigation, the water main in question has been capped off/diverted several years ago. Photographic evidence has been provided which show this. As such, there would be no impact from the layout to any water mains or sewers. Conditions are to be attached to any approval which would ensure a satisfactory development with regard to drainage.

Other Issues (remediation, air quality, historic coal mining):

- 10.56 The site is identified as potentially being contaminated from past / present industrial/commercial use. As such, conditions relating to the submission of a contaminated land report and the carrying out of any relevant remediation works are necessary in order to comply with Policy G6 of the UDP, as well as the aims of chapter 15 of the NPPF.
- 10.57 In line with the Council's objectives for promoting sustainable methods of transport as well as helping to reduce carbon emissions, a condition relating to the provision of electric car charging points is recommended. This would be in accordance with the aims of the NPPF.
- 10.58 The application site is located within a high risk area for historic coal mining activity and as such, has been accompanied with a Coal Mining Risk Assessment (CMRA). The Coal Authority records indicate that the site contains coal seams that are likely to outcrop at or close to the surface and historic, unrecorded coal mining is likely to be present at shallow depth. Five mine entries (shafts) are located within or immediately adjacent to the application site.
- 10.59 The Coal Mining Risk Assessment Report concludes that it is likely that coal at shallow depth beneath the site may have been worked and that coal is likely to be encountered close to the surface. It also notes the potential for the presence of unrecorded shafts within the development area and the presence of recorded shafts on Smithies Lane.

- 10.60 The risk assessment report recommends a scheme of intrusive site investigate works including a site scrape of the development site and the locations of the recorded mine entries to locate any mine entries present within the site. Rotary boreholes are also recommended to a depth of 30m.
- 10.61 The Coal Authority supports the application and the recommendations within the risk assessment subject to a condition requiring this work to be undertaken.
- 10.62 As such, the application is considered to comply with the requirements set out within the NPPF with regard to ground conditions.

Representations

- 10.63 Two representations have been received as a result of the original site publicity and the planning concerns are addressed as follows:

Access to the public footpaths would be directly affected by these proposed dwellings.

Response: Existing (and proposed) Public Rights of Way would not be impacted by the proposal. No dwelling would affect access onto or from these PROW's.

Junction of Smithies Lane/entrance to ponderosa is particularly bad.

Response: Officers acknowledge this. The application proposes significant improvements to the highway network, including the junction of Smithies Lane/Ponderosa entrance. This will improve the highway network.

Hope the full road would be adopted to prevent speeding cars.

Response: The whole of Smithies Lane will be brought up to an adoptable standard and adopted.

11.0 CONCLUSION

- 11.1 The proposal is for the redevelopment of a previously developed (brownfield) site which would not have any materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing buildings on the site. As such, the principle of the development is considered, by officers, to be in accordance with the aims of the NPPF.
- 11.2 It has been demonstrated that the loss of this employment site would not conflict with Policy B4 of the Kirklees Unitary Development Plan and Policy PLP8 of the Kirklees Publication Draft Local Plan and in addition the development would facilitate the relocation of this business to more suitable premises within the district.
- 11.3 The development would not prejudice visual amenity or highway safety and there would be no significant detrimental impact on residential amenity.
- 11.4 In respect of financial contributions, the application has been accompanied by a viability appraisal which asserts that affordable housing and education contributions would render the scheme unviable. It is considered by officers that, to enable a brownfield site to come forward for housing that the benefits

of the overall development outweigh the harm that would arise through not securing affordable housing and education contributions in this instance.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment).

1. Time limit to implement permission
2. Development in accordance with approved plans
3. Samples of materials
4. Internal adoptable estate roads
5. Surfacing of parking areas
6. Highway and footway improvements
7. Electric vehicle charging points
8. Development to be carried out in accordance with Coal Mining Risk Assessment
9. Phase II Site Investigation Report
10. Site Remediation
11. Validation Report
12. Drainage
13. Temporary Surface Water drainage for construction phase
14. Assessment of watercourse
15. Stand-off distance to watercourse
16. Arboricultural Method Statement
17. Landscaping Scheme
18. Development to be carried out in accordance with Bat Mitigation/Method Statement
19. Biodiversity enhancement measures

Background Papers:

Application and history files.

Website link to the application details:-

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2015%2f90321>

Certificate of Ownership – Certificate B signed and Notice served on Yorkshire Water