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**Report of the Head of Strategic Investment****STRATEGIC PLANNING COMMITTEE****Date: 07-Jun-2018****Subject: Planning Application 2018/91018 Outline application for erection of residential development Britannia Road, Milnsbridge, Huddersfield, HD3 4QB****APPLICANT**

William Marshall, George  
Marshall, Edward  
Marshall & James  
Marshall

**DATE VALID**

27-Mar-2018

**TARGET DATE**

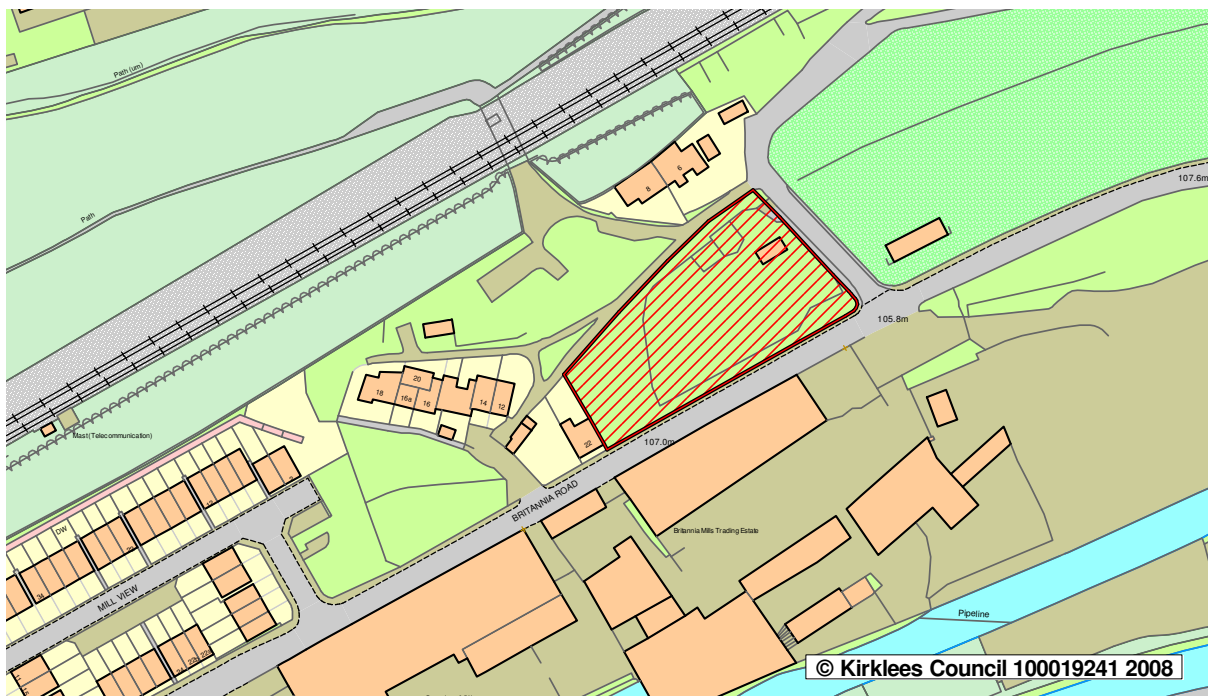
26-Jun-2018

**EXTENSION EXPIRY DATE**

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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**

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**Electoral Wards Affected:    Golcar**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

**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:**

- 1.1    This site is brought to Strategic Committee as it constitutes a departure from the Unitary Development Plan as the site forms part of an employment allocation.

**2.0    SITE AND SURROUNDINGS:**

- 2.1    The application site comprises an area of 0.25 ha located on the northern side of Britannia Road. The site was last used as a stable block, and paddock area, and still has that appearance with post and rail fencing and the stable building still in situ.
- 2.2    The site is in an elevated position relative to Britannia Road, and slopes upwards from the road. To the rear (north) of the site is an existing vehicular access land and a pair of dwellings. These dwellings are elevated above the site. Also to the west of the site is a terrace of dwellings, and immediately to the west, fronting onto Britannia Road is a small Dog Toy Shop.
- 2.3    To the northern boundary of the site on the opposite side of the access track are a large number of mature trees. These are covered by a Tree Preservation Order, and form an impressive backdrop to the site and are of considerable amenity value. (NB For information a number of trees that were on the application site have been chopped down. These trees were not the subject of any protection).
- 2.4    Approximately 50 yards to the west, and also fronting onto Britannia Road is a residential development, completed within the last 10 years (Permission granted 2008/93358 for 46 dwellings on a former industrial site) and this fronts onto Britannia Mills.
- 2.5    On the opposite side of Britannia Road is the Britannia Mill trading Estate and the Stanley Mill Business Park.

- 2.6 The site is part of a larger Employment allocation (B1.5) on the Unitary Development Plan (UDP), and on the Emerging Local Plan, is within a Larger Employment priority Area.

### **3.0 PROPOSAL:**

- 3.1 Outline permission is sought for the residential development of the site, with access only applied for at this stage.
- 3.2 There is an indicative layout submitted indicating 10 no dwellings (however this is for illustrative purposes, only).

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

- 4.1 No applications received on this site or the neighbouring part of the employment allocation (B1.5).
- 4.2 2007/91361 & 2008/93358 - Outline and reserved matters approvals for the erection of 46 no dwellings following the demolition of existing mill building. Land off Britannia Road.

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

- 5.7 The applicants have provided clarified information regarding the provision of visibility splays, and confirmation that they can be provided within the site and kept free of

### **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 216 of the National Planning Policy Framework. 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 (2012), 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.

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

- 6.2 Employment Allocation (B1.50)

B1 Employment objectives of the district  
BE1 Design principles

BE2 Design quality  
T10 Highways safety  
T19 Parking standards  
G6 Contaminated land  
EP4 Noise  
NE9 Mature trees.  
EP11 Ecological Landscaping  
H10 Affordable Housing

#### Emerging Local Plan.

- 6.3 PLP1 Presumption in favour of sustainable development  
PLP8 Safeguarding employment land and premises.  
PLP11 Housing mix and affordable housing  
PLP20 Sustainable travel  
PLP21 Highways safety and access.  
PLP22 Parking  
PLP28 Drainage  
PLP30 Bio Diversity and geodiversity  
PLP31 Strategic Green Infrastructure network  
PLP33 Trees  
PLP 53 Contaminated and unstable land

#### National Planning Policy Framework:

- 6.4 Part 1 Building a strong, competitive economy  
Part 4 Promoting sustainable transport  
Part 6 Delivering a wide choice of high quality homes  
Part 7 Requiring good design  
Part 8 Promoting a health community  
Part 10 Meeting the challenge of climate change, flooding and coastal change  
Part 11 Conserving and enhancing the natural, environment

### **7.0 PUBLIC/LOCAL RESPONSE:**

- 7.1 The application has been publicised by site notices and neighbour letters

3 letters of representation have been received. The main points of objection being

- The site is a greenfield site last used for horse grazing and stabling, brown field sites should be developed in advance of greenfield sites;
- The scheme has resulted in the loss of many mature and important trees (and this was done in advance of any notification of the application)
- Traffic along Britannia Road is problematic, and an additional 10 houses will exacerbate this problem

Cllr Hilary Richards- Does not object to the scheme.

### **8.0 CONSULTATION RESPONSES:**

#### **8.1 Statutory:**

**KC Highways DM-** No objections recommend conditions

#### **8.2 Non-statutory:**

**KC Environmental Health-** Recommend conditions regarding noise attenuation, and decontamination/ remediation

**KC Ecology-** No objections recommend conditions to deliver new planting and biodiversity enhancement

**KC Trees-** The trees that have been removed were not protected as such no objection is raised to that. However would recommend replacement planting of trees be secured by condition, and included within any future landscape scheme

**KC Lead Local Flood Authority-** Object to the proposal as a detailed flood risk and surface water drainage scheme has not been submitted.

(NB: This application is an outline application with only access applied for at this stage, and the site has been allocated for employment development. A detailed drainage scheme, needs to relate to an agreed or proposed layout, which is not actually being applied for nor are Committee being asked to agree it. The issue of drainage can and should be covered by the imposition of appropriate conditions at this stage).

**Police Architectural Liaison Officer-** No objections to the principle of residential development. Will make detailed comments and recommendations on any future reserved matters submission

## **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 site is part of a larger employment allocation on the UDP (this site is not developed, nor is the balance of the allocation, which is situated to the east of the site. On the Emerging Local Plan the site is within an Employment priority area, which extends to this site and the Britannia and Stanley Mill sites on the opposite side of the road. Immediately surrounding this application site on the northern side of Britannia Road are existing dwellings.
- 10.2 Given the site is within an Employment Priority Area, Policy PLP8 of the Emerging Local Plan is relevant, and this indicates that proposals for non-employment uses will only be supported if:
- a) It can be demonstrated that the site or the premises are no longer capable of employment use; and

b) the proposed use is compatible with neighbouring uses and does not where applicable, would not prejudice the continued use of neighbouring land for employment uses.

- 10.3. Also of relevance in this case is the guidance contained within para 22 of the NPPF, which indicates that planning policies should avoid the long term protection of sites allocated for employment, where there is no reasonable prospect of the site being used for that purpose where there is no reasonable prospect of the site being used for the allocated purpose applications for alternative uses should be considered on their merits having regard to the different land use needs of communities to support sustainable development.
- 10.4. The application site has been part of a larger allocation for employment allocation, includes land (also greenfield land) that is on the opposite side of the access to no's 6 and 8 Britannia Road). This site was allocated in the Kirklees Unitary Development Plan which was adopted in 1999. There have been no applications on this allocation for use as employment, indeed the application site has been used for stabling and paddocks for the past few years. The site is of limited depth, there is a slope upwards from the road side and there are existing dwellings located at an elevated level from the site to the NE and NW of the site. As such the site has a number of physical constraints, and the proximity of the site to existing residential uses would restrict the use of the site for unrestricted Class B2 us given issues of noise and disturbance associated with such uses.
- 10.5. As such it is considered that the site is unlikely to come forward for its designated use, and in accordance with the guidance contained in para 22 of the NPPF, would be appropriate to look for an alternative use. Also it is considered that the loss of 0.25 ha will not undermine the employment objectives of Policy B1 of the Kirklees Unitary Development Plan.
- 10.6. As part of the Emerging Local Plan process the site designation has been altered from an Employment allocation to that of being located within part of a larger employment priority area that includes the existing mill complexes on the south of Britannia Road. As such the loss of 0.25 ha of ha is not considered to undermine the employment objectives of Policy B1 of the UDP, and Policy PLP 8 of the Emerging Local Plan allows for alternative uses within Priority Employment Areas, subject to criteria( as detailed in para 10.2 above).
- 10.7. It is considered that it has been demonstrated that the site is unlikely to come forward for employment use, and that there are significant site restrictions in terms of topography, scale and the presence of neighbouring dwellings, to delivering any employment use on this site.
- 10.8. As such it is appropriate to consider an alternative use for the site which in this case is residential. PLP 8 of the Emerging Local Plan indicates that in such cases the proposed uses must be compatible with the neighbouring uses, and not prejudice the continued delivery of neighbouring employment uses. The site is bounded to the NE and NW by existing dwellings, in an elevated position to the site. As such a residential use is clearly compatible with those dwellings. The frontage of the site is directly opposite Britannia Mills Trading Estate which is a working business. The application is accompanied by a Noise report, and suggested noise mitigation measures. This has been considered by the Environmental Health Service, who have recommended the imposition of a

condition requiring the delivery of the noise mitigation and its verification prior to the occupation of any dwellings on the site. As such subject to the completion of the above mitigation measures the residential use, should not prejudice the continued use of the Britannia Mills Trading Estate.

- 10.9. The site is considered to be in a sustainable location relative to the Milnsbridge centre, close to existing public transport links (ie bus stops right next to the site). Whilst the site is only 0.25 ha the delivery of a number of additional residential properties in a sustainable location, is welcome, given that the Council is still unable to demonstrate a deliverable 5 year supply of housing land.
- 10.10. The small size of this site means it does not trigger either Education or Public Open Space contributions. However whilst the indicative layout submitted identifies 10 units, the specific siting or numbers are not being applied for at this stage, and therefore it is reasonable to safeguard the potential provision of affordable housing, by condition.

### Highways Issues

- 10.11 This application seeks outline approval for the erection of a residential development at Britannia Road, Milnsbridge. At this outline stage, the application is seeking approval for access only, with all other matters reserved. However, an indicative layout plan has been submitted (2133/2001) showing 10 dwellings. Sight lines onto Britannia Road have been demonstrated. However, highways DM would wish to see:
- A minimum 5.5m-wide carriageway and 2.0m footways (where applicable) on the access road within the site.
  - 2.0m footway for the full frontage of the site on Britannia Road.
  - Swept path analysis for an 11.85m refuse wagon accessing and exiting in a forward gear.
- 10.12. Although the supplied plan is only indicative, Highways DM would make the following comments for consideration in any future reserved matters application:
- Parking facilities in line with the councils parking policy should be provided. Namely, 2 - 3 bedroom dwelling: 2 spaces for a 2-3 bedroomed dwelling, 3 spaces for a 4 bedroomed dwelling, plus 1 visitor space per 4 residential units; 1 cycle space per residential unit (desirable); garage dimensions of 6.0m long x 3.0m wide (single), 6.0m long x 5.0m wide (double).
  - Highways DM would expect a gradient no greater than 1:20 for the first 10m of the access road, and no greater than 1:10 for the rest of the site.
  - Provision for the storage and collection of bins will be required. Bin pads and collection points should be located in accordance with Kirklees Council's "Good Practice Guide for Developers" document.
  - Public footpaths HUD/451/10 and HUD/286/10 run adjacent to the development site and must not be interfered with or obstructed, prior to, during or after development works.
- 10.13. The above matters are for consideration at a future stage with the receipt of either a reserved matters or full application. As requested, submitted clarification of the provision of appropriate visibility splays that are achievable along the Britannia Road frontage.

- 10.15. As such subject to the imposition of appropriate conditions, Highways DM do not wish to object to this application.

#### Impact on Amenity

- 10.16. The site is currently an undeveloped stable/paddock area that slopes upwards south to north from the Britannia Road frontage. The site is bounded to the north by a number of mature protected trees, that form an attractive backdrop to any development, as well as being of significant visual amenity in their own right. It is considered possible to develop this site without harming any adjoining trees, and to allow for additional landscaping within the site, particularly on the northern edge thus retaining that green backdrop.
- 10.17. Given the limited depth of the site, it is probable that any development would include dwellings situated close to the back edge of the pavement, and also at quite a high density. (The illustrative layout indicates a density of approx. 40 per ha.). The buildings in the area currently are usually sited quite close to the back of edge of the pavement, and a high density on this site is considered to be compatible with neighbouring developments, which are predominantly terraced properties. Issues of scale (and an appropriate scale in this location would be no more than 2 storeys on this side of the road) will be the subject of Reserved Matters submission. In terms of siting and orientation the proximity of the site to the frontage of Britannia Mills will necessitate some buildings being gable onto the road.
- 10.18. It is considered that notwithstanding the site constraints a satisfactory housing scheme that respects the character of the area in terms of scale and density can be achieved, and that this will be of a greater benefit to the visual amenities of the area, than a new factory building.
- 10.19. In terms of residential amenity, the residential use is compatible with the existing dwellings locate to the NE and NW of the site, and the future residential amenities of any occupiers (in particular in terms of potential noise) can be covered by condition as recommended by Environmental Health Services.

#### Landscape / Biodiversity Issues

- 10.20. The site has been used for the stabling of horses, with a paddock area, and as such is of little ecological value. The trees that were adjacent to the paddock area, have been removed, however they were not protected, and as such did not need consent to be felled.
- 10.21. Notwithstanding the above, there are a significant number of mature trees to the northern boundary of the site that are covered by Tree preservation Order, and also are part of a belt of trees that extends to the east of the site, and in addition to being protected by TPO form an important link in the Kirklees Wildlife Habitat Network.
- 10.22. A landscape scheme would be required as part of any reserved matters submission in any event, but it is considered that replacement planting, including indigenous species, along the northern boundary of the site supplementing the existing protected trees will serve a number of purposes. It would enhance the visual amenities of the area, providing a form of additional screening for existing dwellings located to the NE and NW of the application

site, and deliver biodiversity enhancement in accordance with the guidance contained in part 11 of the National Planning Policy Framework” Conserving and enhancing the natural environment”.

#### Environmental Issues (Contamination/ Remediation), Noise and Air Quality

- 10.23. The site is capable of being remediated and made fit to receive the new residential development, and this is the subject of condition. The application was accompanied by a Noise Report to take account of the sites proximity to the Britannia Mills Trading Estate, and this report also identified a noise mitigation scheme, which is acceptable to Environmental Health Services and will be the subject of a condition requiring its implementation and verification prior to any dwellings on this site being occupied.
- 10.24. In terms of the West Yorkshire Low Emissions Strategy, this site and the likely numbers of units involved would be regarded a minor development, and as such the necessary mitigation takes the form of a condition requiring the provision of electric charging points for low emissions vehicles within any future scheme.

#### Drainage issues

- 10.25. The site is within Flood zone 1 (ie the area least likely to flood), and given the limited size of the site which is 0.25 ha, there is no requirement for a flood risk assessment.
- 10.26 The application is an outline application for residential, on a site that has been allocated for development as part of the UDP and only access is being applied for. Whilst an illustrative layout has been provided that layout is not actually applied for, and Members are not being asked to agree or even consider it at this stage.
- 10.27. The lead Local Flood Authority (which is this Council) has maintained objections to the scheme as no detailed drainage scheme for surface water and flow routing has been submitted. A specific drainage and run off scheme needs to be considered against a specific layout scheme that is being applied for. It is not considered that on outline applications with layout etc reserved it is not justified to refuse or delay the consideration of the application when such drainage matters can, and should be dealt with by condition, and the subsequent discharge of condition applications which need to be agreed before development can commence.
- 10.28. As such is not considered there are any sustainable reasons to refuse this application on drainage grounds or on the grounds of insufficient information. .

#### Representations

- 10.29. The objections received generally fall into 3 areas:

the site is a green field site, and brownfield development should be brought forward in advance of the release of greenfield sites

*Response: the site has been allocated for employment use for nearly 20 years, and also included in an employment protection area within the Emerging local plan. As such some form of development has been permissible subject to detail for some time. In addition, the Council is still unable to demonstrate a 5 year*

*supply of deliverable housing land, and this scheme would deliver much needed new housing.*

The developers cut down a significant number of mature trees without proper notification or warning, to the detriment of the area. These should be replaced.

*Response: the trees that were removed were not covered by a Tree Preservation Order, so the developer has not breached any planning regulations. It is recommended by the Trees Officer and the Ecologist that replacement planting along the northern boundary to augment existing protected trees be required, and this can be secured through conditions.*

The development will result in unacceptable additional levels of traffic on Britannia Road which will be a traffic hazard.

*Response: the scheme is relatively modest, and it has been satisfactorily demonstrated that the site can be safely accessed, and parking matters and layout will be the subject of reserved matters. Also the objections ignore the fact that the site is already allocated for employment use, which could include delivery vehicles as well as workers traffic.*

## **11.0 CONCLUSION**

11.1. It is considered that it has been satisfactorily established that the site (part of an Employment allocation) is highly unlikely to come forward for its allocated use, and site specific constraints have been identified. Accordingly in accordance with the guidance in para 22 of the NPPF, an alternative use for the site can be considered, which in this case is for residential use.

11.2 This scheme is considered to deliver much needed residential development in a sustainable manner, at a time when the Local Authority is still unable to demonstrate a 5 year supply for deliverable housing sites.

11.3 As the application is only an Outline, with only access applied for it is considered that matters such as drainage, noise attenuation and air quality can all be dealt with by means of condition.

11.4 Outline approval subject to conditions is therefore recommended.

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

- 1. 3 years to start the development**
- 2. Reserved matters( scale, siting, appearance and landscape)**
- 3. Agree finished floor levels/ sections.**
- 4. Drainage**
- 5. Highways-visibility; provision of footway;**
- 6. Decontamination and remediation;**
- 7. Noise attenuation/ mitigation**
- 8. Provision of electric charging points for low emission vehicles**
- 9. Affordable Housing if over 11 units at RM stage**
- 10. Bio diversity enhancement measures.**

### **Background Papers:**

Application and history files.

Website link to be inserted here

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