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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 21-Jun-2018**

**Subject: Planning Application 2018/91198 Outline application for erection of residential development Land at, Westcroft, Honley, Holmfirth, HD9**

**APPLICANT**

Worth Homes (Holmfirth)  
Ltd, M H Mitchell, R H  
Mitchell, J S Mitchell

**DATE VALID**

11-Apr-2018

**TARGET DATE**

11-Jul-2018

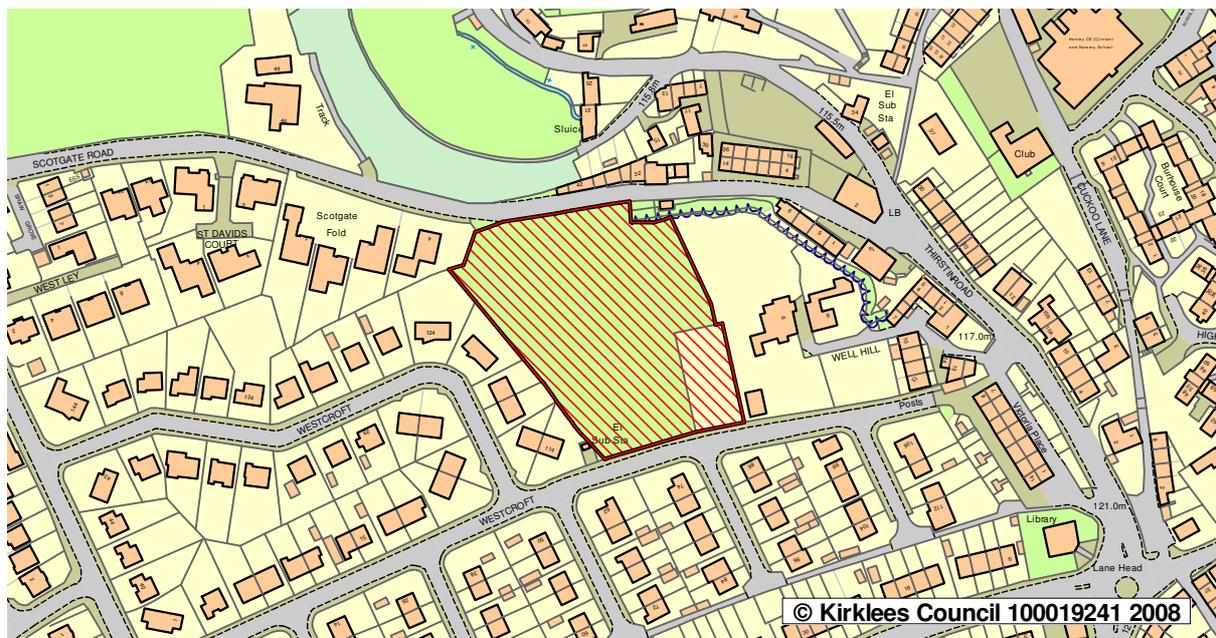
**EXTENSION EXPIRY DATE**

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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:** Holme Valley North

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION: Outline approval subject to conditions.**

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 application is brought to Committee as the site is in excess of 0.5ha.
- 1.2 Ward Cllr Charles Greave has requested that Committee undertake a site visit, and this has been agreed by the Chair.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site comprises an area of 0.72 ha, located off Westcroft in Honley, the site is flanked by dwellings to the west, with dwellings on the opposite side of the road. To the east is a substantial detached property, which is of a more traditional design.
- 2.2 The site is located adjacent to the Honley Conservation Area that is located to the east of the site.
- 2.3 The site extends northwards to Scotgate Road, which is located at a significantly lower level, to the majority of the site, with a well wooded embankment adjacent the road. The site is greenfield and contains a significant number of mature trees, and has clearly been used for recreation purposes informally for some time, there are desire lines across the site including one that extends down to Scotgate Road.
- 2.4 There is an existing dropped crossing in front of the site, and currently the boundary is marked with a breeze block wall, which is in part a retaining structure.
- 2.5 The site is allocated for housing on the Unitary Development Plan, and also in the Emerging Local Plan

### **3.0 PROPOSAL:**

- 3.1 Outline planning permission is sought for the principle of residential development. All matters are reserved for subsequent approval. An indicative layout and point of access has been submitted for illustrative purposes which show a total of 20 dwellings and an access off Westcroft via the existing dropped crossing and the removal of a number of trees, in particular a mature Sycamore tree located centrally within the site.
- 3.2 Separate to this planning application a tree works application has been submitted to fell the aforementioned Sycamore. This was granted as the tree is in a diseased state. This approval requires the replanting of an oak tree in the same location.

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

- 4.1 93//60/00826 Outline application for residential – Refused, and subsequent appeal dismissed. At this time the site was unallocated on the Holmfirth Town Map and the relevant development plan was the Holmfirth –Meltham Local Plan. The current Development Plan is the Kirklees Unitary Development Plan on which the site is allocated for residential use.
- 4.2 2006/95398. Outline application for 17 no dwellings. Refused as a greenfield site, when other brownfield sites were available and a 5 year supply of deliverable housing sites was deemed to be available. This was in accordance with guidance within PPG3 (Housing 2006). This has been superseded by the NPPF.

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

- 5.1 None.

### **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 Land is a housing allocation in the Unitary Development Plan.

BE1 Design principles

BE2 Quality of design

BE5 Preservation and enhancement of conservation areas.

T10 Highways safety

T19 Parking

NE9 Mature trees

EP11 Ecological landscaping

G6 Contaminated land

BE23 Crime prevention

H10 Affordable housing

H18 Provision of public open space.

### Supplementary Planning Guidance / Documents:

6.3 Kirklees Interim Affordable housing policy.

#### Emerging Local Plan

Housing allocation- H786

PLP3 Location of new development

PLP7 Efficient and effective use of land

PLP11 Housing mix and affordable housing

PLP21 Highways safety and access

PLP22 Parking

PLP24 Design

PLP 28 Drainage

PLP30 Biodiversity and geo-diversity

PLP 33 Trees

PLP35 Historic environment.

PLP51 Protection and improvement of local air quality

PLP53 Contaminated and unstable land

#### National Planning Policy Framework

6.4 Part 4. Promoting sustainable transport

Part 6. Delivering a wide choice of high quality homes.

Part 7 Good design

Part 8 Promoting healthy communities

Part 10 Meeting the challenge of climate change, flooding and coastal change

Part 11 Conserving and enhancing the natural environment

Part 12. Conserving and enhancing the historic environment.

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

7.1 This application has been publicised by site notices and neighbour letters.

25 letters of objection have been received, the main points of concern being:

- The proposal will result in the loss of some of the last pieces of green space in the Honley area;

- The green space is an important buffer zone adjacent to the Conservation Area, the best use of this site would be as a community/ village facility.
- Westcroft is essentially an elongated cul-de-sac, and the extra traffic associated with an additional 20 houses will cause congestion and traffic hazards ,especially for children walking to school
- The scheme proposes the loss of an attractive protected sycamore central to the site, and this is not justified;
- The scheme will put extra pressure on local facilities ie doctors dentists, and schools that are already over stretched;
- The proposal will put pressure on the existing drainage systems.
- To approve this development would be inconsistent with previous decisions in the area (mention is made of a refusal of a single house on Scotgate Road).

7.2 2 letters have been received which support the application in principle subject to appropriate conditions to minimise disturbance during construction, and that proper justification is received for the removal, of the TPO'd tree. Any future scheme should retain/ improve the footpath link across the site between Westcroft and Scotgate, and this should avoid any steps being incorporated.

7.3 Cllr Charles Greaves opposes the development and requested the Committee undertake a site visit. Concerned at the loss of the greenspace and the removal of valuable trees; the density on the indicative layout is excessive, and Westcroft is already heavily used and additional traffic will exacerbate an already unacceptable situation.  
If permission is granted a new development should incorporate a footpath link between Westcroft and Scotgate.

7.4 Holme Valley Parish Council- Object to the scheme which they believe to have an excessive density; more than is indicate in the emerging local plan. Have concerns about highways and the impact extra dwellings will have on Westcroft and the residents.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

**KC Highways DM-** No objection in principle, recommend conditions

**KC Lead Local Flood Authority** Object to the scheme as the as detailed drainage and surface water attenuation scheme has not been submitted but it is noted this is an Outline application not a detailed layout consideration.

### 8.2 Non-statutory:

**KC Environmental Health-** No objections recommend conditions.

**KC Trees.** Permission has been granted for the felling of the centrally sited sycamore, this is subject to the replanting of an oak tree in the same location. As such any layout in the future will need to accommodate this tree and give it space to grow.

**KC Strategic Housing-** There is a demonstrable need for affordable housing in this area, and the council's Interim Affordable Housing policy is applicable

**KC Environment Unit-** No objections to an outline for residential subject to the imposition of appropriate conditions to ensure a Reserved Matters scheme would comply with Policy PLP30 (Biodiversity and Geodiversity) in the Emerging Local Plan.

## **9.0 MAIN ISSUES**

- Principle of development
- Urban design issues
- Tree/ Bio-diversity Issues
- Highway issues
- Drainage issues
- Environmental Issues ( Remediation and Air Quality)
- Representations

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The application site is a current housing allocation on the Unitary Development Plan, and this designation is also proposed within the Emerging Local Plan. The site is considered to be in a sustainable location, well connected to the Honley village centre.
- 10.2 Guidance contained in the NPPF paragraph 14 indicates that development that accords with the development plan should be approved without delay.
- 10.3 In addition the Council is currently unable to demonstrate a 5 year supply of deliverable housing sites, and in this under the terms of para 49 of the NPPF there is a presumption in favour of sustainable housing schemes.
- 10.4 Given the size of the site the Council's policies on Affordable Housing, and the provision of POS are relevant. As this is an outline application with all matters reserved, these matters will be the subject to conditions.

### Urban Design issues

- 10.5 All that is being considered at this stage is the principle of residential development. Should outline planning permission be approved, any future applications for approval of reserved matters - including layout, scale and appearance of dwellings - will be the subject of a separate consultation, publicity and assessment.
- 10.6 The site is adjacent to the Honley Conservation Area, and there are a number of trees within the site, and on the periphery, that are protected (or are to be replaced) that contribute to the character of the site, and the setting of the Conservation Area at this point. If outline permission is granted subsequent reserved matters would also include the assessment of 'landscape'.
- 10.7 By conditioning the replacement of the centrally located tree in a similar location, this requires any future scheme to be designed with the retention of existing trees in mind and this is likely to impact significantly upon the layout. As stated above, in addition to the layout, access, scale, appearance and landscaping of the site would all to be the subject of a future Reserved Matters submissions.

## Tree/Biodiversity Issues

- 10.8 An approval for the removal of the centrally located Sycamore, has been approved due to the tree's condition, however it is to be replaced in approx. the same location ie centrally to the site. There are number other mature trees on this site, including on the southern boundary with the conservation area, and the banking next to Scotgate. Any future layout will need to indicate which trees are to be retained and/or replaced, together with other landscaping on the site, and this will be the subject of public consultation.
- 10.9 A Preliminary Ecological Report has been prepared for this site. The report states:

The habitats on site have been evaluated as being of site value in relation to local surroundings and a regional context. The site was dominated by low value scrub, poor semi-improved grassland and tall ruderal herbs. No notable species were recorded, and habitat types are locally dominant and frequent in the wider environment. The majority of development will pertain to this area and as such there are no ecological constraints associated with the development. Mature trees located to the northern boundary will be retained as part of the development, and the loss of over mature Lombardy poplars can be compensated for through onsite landscaping proposals and boundary enhancements. The scrub vegetation on site was considered to provide suitable nesting habitat for a number of common bird species and has the potential to support populations of birds of local and national interest such as house sparrow, wren and dunnock. The scattered trees, scrub, and rough grassland have the potential to support breeding bird populations. Any clearance works proposed on site should be undertaken following the recommendations outlined in Chapter 7 to reduce the associated impacts to birds. The majority of scattered trees on site and adjacent to the application boundary were not considered suitable to support roosting bats. A single mature sycamore and the line of Lombardy poplars were assessed to support low suitability for roosting bats. The linear features provided by scattered trees and mature vegetation along the northern and eastern boundary could act as important commuting lines for bat species. The majority of the vegetation was recorded outside of the application boundary resulting in the retention of these features, despite vegetation removal onsite. The removal of scattered trees and the line of lombardy poplars is not considered a significant constraint due to the presence of mature boundary vegetation to the east and north retaining the connectivity to optimal woodland and wetland habitat to the north of the site. There is however, the likelihood of disturbance from indirect factors such as construction lighting, and post development security lighting. There was no evidence such as setts, mammal runs, snuffle holes or latrines to suggest that badgers are currently active on site. The site and surrounding environment presented suitable habitat for badgers, and as such it is feasible to suggest that scrub and grassland could be utilised by foraging and commuting badger on an episodic basis. Potential impacts to badgers as a consequence of the development proposals would be in the form of direct or indirect harm, injury or death to individuals during the construction phase.

- 10.10 As the application is outline only, with suitable conditions to secure submission of the necessary detail at reserved matters stage, the submitted report is sufficient to support the application. A condition will also be included to ensure the reserved matters application is supported by an EcIA (Ecological Impact Assessment) with updated survey if necessary.
- 10.11 The outline mitigation measures discussed in the submitted report are likely to be sufficient, given the value of the habitats on site, to ensure no significant residual ecological effects. To ensure this, a condition has been included below in respect of avoidance measures relating to birds, roosting bats and badgers. A condition also recommended to ensure the site retains its value for foraging bats and that foraging bats will be able to make use of any suitable habitats created as part of the landscape scheme.
- 10.12 The proposals do not currently demonstrate a net biodiversity gain. Therefore a condition to secure an Ecological Design Strategy as part of the reserved matters is also recommended

#### Highway issues

- 10.13 This application seeks outline approval for the erection of a residential development at land off Westcroft, Honley. The indicative layout, which is submitted for illustrative purposes only, shows twenty dwellings, three of two bedrooms, eleven of three bedrooms, and six of four or more bedrooms. An indicative plan has been supplied by the applicant (2338-02) showing the proposed layout and access onto Westcroft.
- 10.14 At this outline stage, Highways DM made a number of comments which would inform the precise access and layout arrangements at reserved matters stage – should outline planning permission be granted. No objections have been raised to the principle of access from Westcroft or to the quantum of development proposed on the indicative layout. This, however, does not indicate that this density of development would be acceptable on the site taking into account all material considerations. The matters raised by highways can be imposed as conditions should outline planning permission be granted.

#### Drainage issues

- 10.15 The site is located within Flood zone 1 ie an area least likely to flood, and is less than 1ha in size, thus not requiring the submission of a Flood Risk Assessment.
- 10.16 All that is being considered at this stage is the principle of residential development, on a site that has been allocated for that use since 1999. The Lead Local Flood Authority have objected to the scheme until an estimate of the storage required and where attenuation would be located is provided. Also they have indicated an appropriate run off rate of 3 l/s (ie a stricter run-off than the existing greenfield run off which is 5l/s.
- 10.17 Any siting of attenuation needs to be considered relative to a layout and any roads within that layout. There is no layout being applied for, and the indicative layout has been withdrawn from consideration. As such it is appropriate on an allocated site to condition drainage. It is considered necessary to word the condition such that a surface water drainage scheme is submitted alongside any subsequent submission for the approval of layout however. This would be to demonstrate that drainage and attenuation have been properly considered in the formulation of a detailed scheme.

## Environmental Issues (Contaminated Land/Remediation and Air Quality)

- 10.18 The applicant has submitted a Phase 1 Desk Top Report, which is accepted as satisfactory at this stage by Environmental Health. As such the site can be remediated and made fit to receive a new residential use, and this would be the subject of condition.
- 10.19 Given the scale of the development (ie 0.72, and indicatively shown as 20 dwellings), this development should be regarded a small scale development under the West Yorkshire Low Emissions Strategy, and it would be appropriate to condition the provision of electric charging points for low emission vehicles, as part of any future scheme.

## Representations

- 10.20 The representation received against this scheme have been summarised above, however they fall broadly into the following areas.
- 10.21 Objection to the loss of green space, damage to trees, that is inconsistent with previous decisions including an appeal that was dismissed  
*Response. The application site is allocated for housing in both the UDP and the Emerging Local Plan. The previous appeal dismissal was in 1994, and has effectively been superseded by the adoption of the UDP, and now the proposed local plan.*  
*The trees work that was undertaken was in accordance with the TPO Regulations as the tree removed was in an advance state of decay. A replacement tree has been required in the same location,*
- 10.22. The development will result in additional traffic on Westcroft that will be hazardous for existing residents, and additional dwellings puts undue pressure on existing schools, doctors surgeries and dentists.  
*Response: The site is allocated within the UDP, and Emerging Local Plan for housing and Highways DM are satisfied that the scheme can be satisfactorily accessed and this is indicate within the assessment.*  
*The size of the site means that the council's policy on education provision is not applicable and the other issues relating to doctors and dentists are not a material consideration for a planning authority, rather a local health authority*
- 10.23 The site is adjacent the Conservation Area and should be retained as open space to afford a buffer between the Conservation Area, and the rest of Westcroft. And should be used as a village facility  
*Response. This issue of a buffer zone for the Conservation Area, was raised in the Appeal decision in 1994. As stated above, since then the site has been allocated for housing. This does not mean that at any Reserved Matters stage a scheme should be designed to respect the character of the Conservation Area, and deliver new tree planting across the site, that constitutes a large part of the character of the Conservation Area, and this part of Westcroft. It is not feasible nor a policy requirement to require the remain undeveloped or for public use.*

## **11.0 CONCLUSION**

- 11.1 This application seeks consent for the principle of residential development on a site already allocated for such a use in the UDP, and also within the emerging Local Plan. The guidance within para 14 of the NPPF indicates that developments which accord with the Development Plan should be approved without delay. The site is within a sustainable location, the Council is still unable to demonstrate a 5 year supply of deliverable housing site resulting in a presumption in favour of sustainable housing sites being developed.
- 11.2 The scheme is in outline with all matters reserved. Issues of layout, scale, access, landscape and appearance are all the subject of reserved matters application that will in itself be the subject of publicity and consultation.
- 11.3 Technical issues such as remediation, air quality and drainage, can all be satisfactorily dealt with by the imposition of conditions.

## **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 commence development
2. Reserved matters (access, layout, appearance, scale and landscape)
3. Provision of affordable housing
4. Provision of public open space
5. Remediation and decontamination
6. Provision of electric charging points for low emission vehicles
7. Habitat enhancement
8. Ecological Development Strategy
9. Construction Environmental Management plan,
10. Highways conditions
11. Drainage, to be submitted with details of layout
12. Tree protection.
13. Construction management plan

### **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f91198>

Certificate of Ownership –Certificate B completed 9<sup>th</sup> April 2018

Notice served on Carter Jonas, 9 Bond Street, Leeds.