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**Report of the Head of Strategic Investment****HEAVY WOOLLEN PLANNING SUB-COMMITTEE****Date: 20-Dec-2018****Subject: Planning Application 2018/91900 Erection of 5 dwellings (modified proposal) Land Off, Barnsley Road, Flockton, Huddersfield, WF4 4DW****APPLICANT**Matt Burrow, Charles  
Church (West Yorkshire)  
Ltd**DATE VALID**

11-Jun-2018

**TARGET DATE**

06-Aug-2018

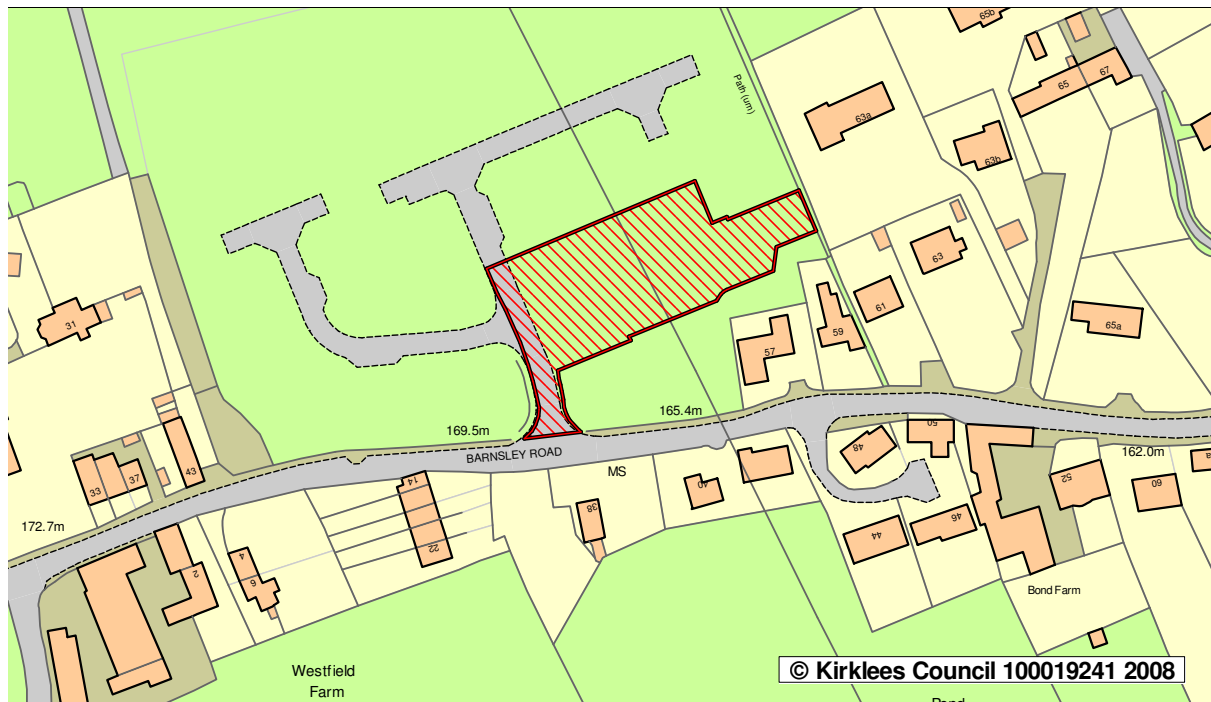
**EXTENSION EXPIRY DATE**

16-Nov-2018

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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: Kirkburton**

Yes

Ward Members consulted  
(referred to in the 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 and to secure a S106 agreement to cover the following matters:**

- 1. Uplift in public open space provisions off site commuted sum (£2645, total for the site is £22645)**
- 2. Uplift in Metro Card contributions (£481.25, total for the site £22618.75)**
- 4. Uplift in Education contributions (£26894, total for the site £157881)**

**In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.**

**1.0 INTRODUCTION:**

- 1.1 The application seeks full planning permission for the erection of five dwellings on land which is allocated on the Unitary Development Plan as Provisional Open Land (POL). The principle of housing development is considered to be acceptable having been approved under a larger residential scheme for 46 dwellings (2016/92811), and it is considered the application site can be accessed safely in highway terms. There would be no harmful effect on visual or residential amenity.
- 1.2 The application is brought to Heavy Woollen Sub-Committee as it represents a departure from the Development Plan and is for less than 60 dwellings. This is in accordance with the Council's Scheme of Delegation.

**2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site forms part of a larger housing development currently under construction. The wider site extends to approximately 1.6 hectares and was primarily open fields with outbuildings and cottage. The land was farm land but has been fenced off for the development that is continuing for Persimmon Homes.

- 2.2 To the north of the site are open fields, to the eastern boundary of the wider development site runs a public footpath (KIR/106/10) and in the south eastern corner are Nos. 57 & 59 Barnsley Road. Barnsley Road borders the site to the south and beyond this are a number of dwellings.
- 2.3 Along the western boundary is a row of stone cottages. The site is relatively flat and there are a number of protected trees close to the southern boundary.
- 2.4 The site subject of this application is located to the south east corner of the development site. Access has been introduced to the land from Barnsley Road.

### **3.0 PROPOSAL:**

- 3.1 The application is for the erection of 5 dwellings where currently there are 4. To facilitate the increase in numbers the formerly approved house types have been revised.
- 3.2 The application details retain all other aspects of the development approved under 2017/91269 including POS, access and landscaping details.
- 3.3 Considerations therefore relate to the increase in number and the impact on scale and design.

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

- 4.1 2017/91269 – Variation of condition 2 of previous permission 2016/92811 (plans and specifications) for the erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works – approved

2016/92811 - Erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works.

2017/93755 - Discharge condition 3 (materials) on previous permission 2016/92811 for erection of 46 dwellings and associated works including access, public open space, landscaping, parking and ancillary works – Approved

2017/93628 – Discharge condition 8 (Remediation Strategy) – Approved

2017/92873 – Discharge condition 19 (Drainage) – Approved

2017/92202 – Discharge conditions 4-7, 11, 13, 17, 18 – Spilt Decision

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

- 5.1 The applicants were required to enter into a Deed of Variation for an uplift in contributions. This was executed on the 13<sup>th</sup> November 2018.

## **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 allocated as Provisional Open Land on the Kirklees Unitary Development Plan proposals map and an allocated housing site on the Provisional Draft Local Plan.

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

**D5** – Provisional Open Land (POL)

**BE1** – Design principles

**BE2** – Quality of design

**BE11** – Use of natural stone

**BE12** – Space about buildings

**T10** – Highway safety

**T16** – Pedestrian routes

**T19** – Car parking standards

**G6** – Contaminated land

**H1** – Meeting housing needs in the district

**H10** – Affordable housing

**H12** – Affordable housing

**H18** – Public Open Space

**EP4** – Noise sensitive development

**EP10** – Energy efficiency

**EP11** – Integral landscaping scheme to protect / enhance ecology

**BE23** – Crime Prevention

**R13** – Rights of way

### **6.4 Kirklees Publication Draft Local Plan (PDLP):**

**PLP1** – Presumption in favour of sustainable development

**PLP2** – Place shaping

**PLP11** – Housing mix and economy

**PLP21** – Highway safety and access

**PLP22** – Parking

**PLP24** – Design

**PLP27** – Flood risk

**PLP28** - Drainage  
**PLP30** – Biodiversity and geodiversity  
**PLP32** – Landscape  
**PLP33** – Trees  
**PLP53** – Contaminated land

#### 6.5 Supplementary Planning Guidance / Documents:

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

Kirklees Interim Affordable Housing Policy

National Planning Practice Guidance on Affordable Housing.

#### 6.6 National Planning Guidance:

**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 14** – Meeting the challenge of climate change, flooding and coastal change  
**Chapter 15** – Conserving and enhancing the natural environment

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

#### 7.1 Nine representations received.

A summary of the comments received is set out below:

- Drainage
- Concerns regarding the process and revisions including emergency vehicle turning
- Highway safety (additional traffic, accidents)
- Pedestrian safety
- School provision
- Doctors oversubscribed
- Additional 5 dwellings unacceptable
- Increase in numbers from original approved scheme

Ward Councillor Armer raised concerns regarding the development but after discussions with Officers and further explanation of the uplift of contributions and comments from the Lead Local Flood Authority (LLFA) there are no objections.

Kirkburton Parish Council comments – objects due to concerns regarding highways and access

Cllr Jimmy Paxton – concerns regarding contributions and highways

## **8.0 CONSULTATION RESPONSES:**

### **8.2 Statutory:**

KC Highways Development Management – No objection

### **8.3 Non-statutory:**

KC Education – Uplift in contributions required

KC Landscaping – Uplift in contributions required

KC Environmental Health – No objection

KC Lead Local Flood Authority: No objection

## **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

- 10.1 The principle of residential development of this POL site has been assessed and approved under application 2016/92811. This application was for a full application for the erection of 46 dwellings. Works have commenced on site to implement the permission with a variation to condition 2 having been approved under application 2017/91269. It is not considered necessary to reconsider the development proposal which were fully examined by Officers in line with development plan policies and the NPPF. Furthermore it is worth noting that the site is included as a housing site under the Emerging Local Plan which is nearing adoption.
- 10.2 The development proposals submitted under this application relate to a small part of the site located to the north of the public open space within the site. The area of land has been approved for the erection of 4 detached dwellings and the revision to house types facilitates the inclusion of an additional dwelling.
- 10.3 Chapter 11 of the NPPF promotes the effective use of land in meeting the need for homes whilst safeguarding and improving the environment. Paragraph 122 of the NPPF states that planning decisions should support development that makes efficient use of land. This is caveated to ensure that the development continues to contribute to the area's prevailing character and setting (including residential gardens). Development should be well designed, attractive and secure healthy places (para 122 (e) of the NPPF)). The inclusion of an additional dwelling to an

existing residential site would increase the density of the site making a modest contribution to the supply of housing where there currently is insufficient supply. Furthermore the provision of additional residential units in a sustainable location would help with the provision of housing within the district and therefore be in compliance with Policy H1 of the UDP.

- 10.4 Officers are satisfied that the principle of the erection of an additional dwelling can be supported subject to consideration relating to the provision of safe access in addition to scale and design.

#### Urban Design issues

- 10.5 Any development should sit comfortably within its surroundings and respect the prevailing pattern of existing responding to local character and design standards. Chapter 12 of the NPPF emphasises the importance of good design. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
- 10.6 The site is to be developed as part of a larger development site. The development provides a mix of house types of a design and appearance that reflects the general character of the wider area.
- 10.7 The two storey scale of the houses proposed is considered acceptable in the context of the surrounding development proposed, which is two storey in scale. The density has been increased marginally with the addition of a property (5 in place of 4). The layout is fundamentally as approved under the previous applications with revisions to house types to allow for the extra property. This is considered acceptable from a visual perspective and the scale is appropriate resulting in an increased density as required by Chapter 11 of the NPPF.
- 10.8 The variations to the building line within the layout, along with the final plot subject of this submission being orientated at 90 degrees to the majority of properties ensures visual interest. The revised site layout continues to ensure natural surveillance to the open space proposed and to areas around the site.
- 10.9 The revised house types are all considered acceptable in respect of fenestration and proportions. The proposed materials for the dwellings are natural and artificial stone with slate grey tiles. Similar materials were considered acceptable for the wider residential development. To ensure the development complements the area and immediately surrounding development conditions are imposed.
- 10.10 It is considered that the development would meet the aims of chapter 12 of the NPPF by contributing positively to the surrounding area and would also be in accordance with Policies BE1, BE2 and D2 of the Kirklees UDP and Publication Draft Local Plan Policies PLP2 and PLP24 of the Publication draft Local Plan.

#### Residential Amenity

- 10.11 In assessing the impact of the development on both dwellings externally surrounding the site and dwellings proposed within the site, Policy BE12 of the UDP is of relevance. This policy recommends a separation distance of 12m between existing habitable room windows and non-habitable room windows and 21m between habitable room windows of any two dwellings. A distance of 10.5m is recommended from a habitable room window and the boundary of any adjacent undeveloped land and 1.5m between any wall of a new dwelling and the boundary of any adjacent land other than a highway.

- 10.12 The revised layout of plots 42 to 46 are in similar positions to development previously approved. The positioning of the properties is such that adequate distances are maintained and will avoid any loss of privacy to any future occupant. It is noted that Plot 46 faces the gable of 44a at a distance just under the required 12 metres for habitable room windows to non habitable/blank gable but as this space is similar to previously approved, it is not considered unreasonable and will not result in a loss of amenity to future occupants who will be aware of the relationship when purchasing the properties. The marginal reduction in space allows for higher densities to be achieved to ensure efficient use of land.
- 10.13 It is considered that the development will not be detrimental to any adjoining occupants due to overshadowing and having an overbearing impact. Separation distances to adjacent dwellings and the fact that the dwellings are two storey avoids any concerns in this regard.
- 10.14 It is not considered that the scale, layout and design will result in any loss of amenity to any existing occupants. Each dwelling includes ample amenity space to the rear for future occupants. It is considered that the scale, design and layout of development accords with the aims of Policy D2 of the UDP as well as policy BE12 of the UDP and Publication Draft Local Plan policy PLP24 in terms of residential amenity and as such is acceptable.

#### Landscape issues

- 10.15 The overall layout of development and landscaping details has been established through the approval of the original development for 46 dwellings. This application seeks to vary a small part of this site and as such there are limited implications for landscaping. The main consideration is in respect of contributions and comments from the landscaping section has advised that contributions should be uplifted. The applicants are therefore required to enter into an agreement to vary the s106 accordingly.
- 10.16 As such the development will ensure a policy compliant contribution is still secured in accordance with the UDP and Publication Draft Local Plan.

#### Housing issues

- 10.17 Chapter 5 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 68 of the NPPF recognises that "small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should... support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes". Whilst the site forms part of a larger development the additional dwelling would contribute to housing delivery.
- 10.18 The development would contribute to the aims of Policy H1 of the UDP and Chapter 5 of the NPPF in that it would provide more efficient use of land in a sustainable location.

### Highway issues

- 10.19 The application relates to the revision of plots 42-46 with the inclusion of an additional dwelling. Whilst there are no changes to the internal layout of the overall development KC Highways DM have been consulted. They have raised no objections to the increase as sufficient off-street parking is retained. It is considered that the impact of an additional dwelling will not be significant.
- 10.20 As such the revised layout would accord with Policies T10 and T19 in addition to Publication Draft Local Plan Policies PLP21, PLP22 and PLP24.

### Drainage issues

- 10.21 It is considered that the erection of an additional dwelling to the scheme already approved will not result in any material impact that would require recalculation for onsite drainage. The change is minimal and the development currently allows for storing the greater 1 in 100 storm and includes climate change.

### Representations

- 10.22 Drainage  
**Response:** Through consultation with the Lead Local Flood Authority no objections have been received.
- 10.23 Concerns regarding the process and revisions including emergency vehicle turning.  
**Response:** The revisions to the overall development have been fully assessed and raise no concerns. The emergency vehicle turning is maintained under this submission.
- 10.24 Highway safety (additional traffic, accidents) & Pedestrian safety  
**Response:** The increase in movements associated with an additional dwelling is not considered to result in any matters relating to highway safety. The main proposals remain as previously. Highways have raised no objections.
- 10.25 School provision  
**Response:** The application proposals have resulted in an uplift in contributions for education provision. The erection of an additional dwelling is not considered to result in any significant undue impact upon school provision.
- 10.26 Doctors oversubscribed  
**Response:** The application results in an additional dwelling which is not considered to impact materially on any service providers.
- 10.27 Additional 5 dwellings unacceptable/increase in numbers from original approved scheme  
**Response:** The application represents an increase by one dwelling. This improves the efficiency of the development and effective use of land. There are no objections to this marginal increase. Matters of access and highways have been assessed.

## Planning obligations

10.28 In order to satisfy policy requirements the following will be applicable:

Education (£130,987):	Uplift of £26894 to £157881
POS (£20,000):	Uplift of £2645 to £22645
Metro cards (£22,137.50):	Uplift of £481.25 to £22618.75

*Drainage: No further contributions in this instance*

*Affordable Housing: No further requirement*

## Other Matters

### 10.29 *Coal Authority*

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. It has not been necessary to formally re-consult with the Coal Authority as confirmed by the Coal Authority as information provided for full development site is considered adequate.

10.30 An adequate assessment of the coal mining risks associated with this site as a whole has been carried out and formally referred to the Coal Authority. The site can be made, safe and stable for the development proposed (as per the requirement of the emerging local policy PLP 53 – Contaminated and Unstable Land of Kirklees Draft Local Plan Strategy & Policies, Publication Version and the NPPF, paragraphs 178-179) there are no objections to the proposals providing conditions are repeated and imposed to ensure there is no risk as a consequence of development. With the inclusion of such conditions the proposals would comply with the aims of the NPPF.

### 10.31 *Land contamination*

There is potential that land at the proposed development has been contaminated by these historic activities. In order to protect the human health of future occupants conditions are recommended for the submission of further information. The inclusion of conditions would ensure that the proposals comply with the aims of Chapter 15 of the NPPF

### 10.32 *Sustainable Transport:*

In order to mitigate impact on air quality and in accordance with Publication Draft Local Plan Policy PLP24 and the West Yorkshire Low Emissions Strategy development proposals such as this should aim to include sustainable transport methods. As such, this development should encourage the use of ultra-low emission vehicles such as electric vehicles. A condition is recommended in relation to the provision of facilities for charging plug-in electric vehicles

## **11.0 CONCLUSION**

11.1 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.

11.2 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

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

1. Time limit for implementation – 3 years
2. Plans to be approved
3. Materials
4. Visibility splays
5. Internal Roads
6. Footway widening
7. Construction arrangements
8. Remediation
9. Validation
10. Ecological Design Strategy
11. POS
12. Vehicle charging points
13. Remove PD rights
14. No additional doors/windows
15. Drainage
16. Works for 1 in 100 year flood
17. Surface water drainage

**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=2018%2f91900>

Certificate of Ownership – Certificate A signed and dated 8<sup>th</sup> June 2018

Website Link to previously approved variation of condition application 2017/91269:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f91269>

Website link to the original approval 2016/92811:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92811>