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**Report of the Head of Strategic Investment**

**STRATEGIC PLANNING COMMITTEE**

**Date: 11-Apr-2019**

**Subject: Planning Application 2018/93825 Erection of 110 dwellings (modified house types plots 1-56, 59-106, 109-114) Cleckheaton Mills, Bradford Road, Cleckheaton, BD19 5BD**

**APPLICANT**

Swift Properties  
Management  
Consultancy

**DATE VALID**

27-Dec-2018

**TARGET DATE**

28-Mar-2019

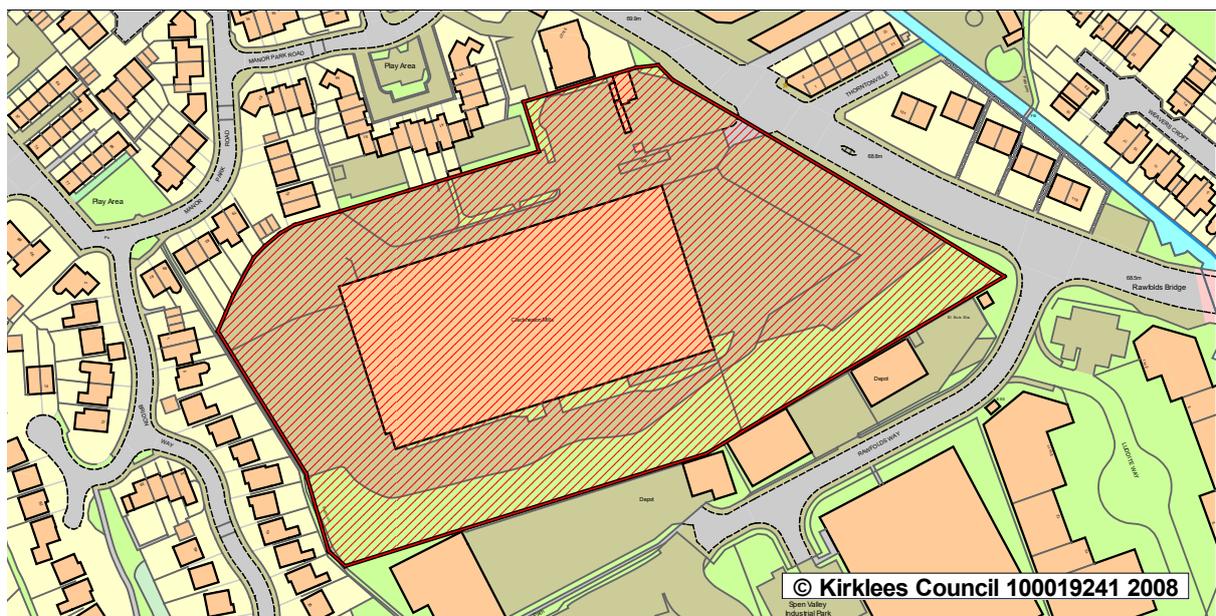
**EXTENSION EXPIRY DATE**

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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: Cleckheaton

Yes

Ward Members consulted  
(referred to in report)

### 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 variation of the S106 agreement to ensure:

- i. provision of 4 no affordable units
- ii. £105,101.00 towards the provision of off-site public open space in the vicinity;

In the circumstances where the Variation of the Section 106 Agreement has not been completed within 3 months of the date of the Committee 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 This application is brought to Committee as it relates to more than 60 dwellings, and the previous residential approval was considered by the Strategic Committee.
- 1.2. The previous approval on this site (2014/92998) is still extant, with the pre-conditions having been discharged. Also work on the site has commenced.

### 2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an area of approx. 2.46 ha, and is broadly rectangular in shape that fronts onto Bradford Road. The site is flanked by residential properties to the north and west (part of the Peynot Gardens housing allocation that has now been completed). To the south the site is flanked by businesses along Rawfolds Way.
- 2.2 The site was previously occupied by Bridon Works, and there was a small car wash business in the NW corner of the site. Bridon Works comprised a large rectangular shaped industrial shed surrounded by hard standing.
- 2.3. Along the western boundary is the line of a public footpath which abuts the site, there are also some trees adjacent to this path. The site is reasonably level with a gentle slope from east to west, with the business premises on Rawfold Way being at a slightly lower level.

- 2.4. The site is allocated as part of a larger Priority Employment Area on the Local Plan, but also has the benefit of an extant permission (2014/92998) for 114 dwellings which has commenced.

### **3.0 PROPOSAL:**

- 3.1 This planning application seeks full planning permission for the substitution of 110 of the house types on the existing scheme. The total scheme would still be for 114 dwellings and the access, and layout the same, with the dwellings being a mix of detached, semi-detached and terraced properties, served by a single access off Bradford Road.
- 3.2. The applications still provides for the same number of dwellings between 2 and 2.5 stories in height, and ranging between 2, 3 and 4 no bedrooms .For the most part the dwellings are larger than previously and the style of house and materials used has improved somewhat, ie the proposal is now to use natural stone throughout the scheme and natural slate, also the detailing on the houses will include smooth stone window surrounds, corbelling and quoin details on the dwellings.
- 3.3. Whilst the substitution of house types is applied for, there is no request, or justification to alter the affordable housing and public open space contributions that are currently secured within the Section 106. These will be secured again with a Variation of the existing Section 106. These contributions are: - 4 affordable units; and an off-site payment of £105,101.00 for use in the immediate vicinity

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

- 4.1 2014/92998. Full permission for the erection of 114 dwellings- Approved subject to a Section 106 providing affordable housing and off site contribution towards public open space.
- 4.2 2008/93612 -Discharge of Conditions  
2018/93145- Discharge of Conditions  
2018/92448- Discharge of Conditions  
2018/91335- Discharge of Conditions  
2017/93455-Discharge of Conditions  
2017/92528-Discharge of Conditions

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

- 5.1

### **6.0 PLANNING POLICY:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

#### Kirklees Local Plan (2019):

- 6.2 PLP1 Presumption in favour of sustainable development

PLP7 Efficient and effective use of land and buildings  
PLP8 Safeguarding employment land and premises  
PLP11 Housing mix and affordable housing  
PLP20 Sustainable travel  
PLP21 Highways safety and access  
PLP22 Parking  
PLP24 Design  
PLP27 Flood Risk  
PLP28 Drainage  
PLP30 Bio-diversity and geo-diversity  
PLP47 Healthy and Active lifestyles  
PLP 49 Education and healthcare needs  
PLP51 protection and improvement of local air quality  
PLP52 Protection and improvement of environmental quality  
PLP53 Contaminated and unstable land

National Planning Guidance:

- 6.4 National Planning Policy Framework:  
Part 5- Delivering a sufficient supply of homes;  
Part 8- Promoting healthy and safe communities;  
Part 9- Promoting sustainable transport  
Part 11-Making effective use of land  
Part 12 Achieving well-designed places  
Part 14 Meeting the challenge of climate change, flooding and coastal change  
Part 15 Conserving and enhancing the natural environment.

**7.0 PUBLIC/LOCAL RESPONSE:**

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

7.2 3 representations have been received, the main points being:

- Concerned at potential overlooking of existing gardens to the r/o plots 45-67 – suggest appropriate screen fencing will rectify this;
- Part of Bridon Way backs onto a public right of way which runs adjacent to this site. The vegetation next to this site is overgrown and not properly maintained. The position of the boundary wall being constructed would leave a” no man’s land”;
- One of the businesses off Rawfolds Way has requested that details be considered which safeguard it from any future complaints from the nearest residents.

7.3. The Spen Valley Civic Society- object to the application as the use of the site for housing is contrary to the adopted Local Plan, and it believes “Planning Committees should adhere to and support the Local Plan or there will be chaos and a free for all in the future”. They mention that on nearby sites employment buildings have been constructed and let quite quickly, and that there are a number of housing allocations in the Spen Valley area, and housing should not be granted at the expense of the employment land

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

**KC Highways DM-** Given the layout is the same as previously approved no objections raised, subject to conditions.

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

**KC Trees-** No objections (would like to see some new trees planted within the scheme).

**KC Lead Local Flood Authority-** No objections to the alterations in house types.

**KC Environment Unit** Sought clarity, as no Ecological Survey was provided with this submission. However previously a bat survey has been received and no objections raised. Also the opportunity to improve biodiversity habitat-still remains via the implementation of a landscape scheme and the introduction of bat and bird roost opportunities within the development

**Police Architectural Liaison Officer-** No objection in principle to the application. However make recommendations regarding detailed elements of the scheme eg parking, fencing.

NB. Whilst the consultees above have been re-notified. The majority of the consultees previously consulted including Environmental Health have already discharged conditions which would also relate to this scheme covering decontamination and remediation; noise attenuation; landscaping; electric charging points also drainage details have been agreed, and given the scheme is for house substitutions only there is no requirement to re-consult The Environment Agency, Yorkshire Water Authority or British Coal

## **9.0 MAIN ISSUES**

- Policy/Principle of development
- Highways Issues
- Urban design issues
- Environmental Issues
- Flood Risk/ Drainage
- Bio Diversity
- Crime Prevention
- Objections

## **10.0 APPRAISAL**

### Principle of development/Policy.

- 10.1. Whilst this application site is allocated as being within a larger area allocated as Priority Employment Area on the Local Plan the starting point for consideration of this application has to be the extant permission for 114 dwellings( approved by Strategic Committee and issued subject to a Section 106) which is still extant. Also the applicant has discharged the conditions on

the site, and commenced work on site. As such the residential permission is safeguarded for the future, and can be completed.

- 10.2. The National Planning Policy Guidance, indicates that applications should be determined in accordance with the development plan unless there are other material considerations that indicate otherwise, and in this case it is the extant permission. The current application is a variation of house types that does not materially increase the numbers of units, or alter the layout, access, or parking arrangements, and the scheme also retains the same level of affordable housing provision and contribution towards public open space.
- 10.3. As such there is no objection in principle to this application, and the completion of the scheme (totalling 114 dwellings) will make a valuable and necessary contribution towards the delivery of the Councils housing requirements.

#### Highways Issues.

- 10.4. Highways DM indicate that given the numbers of units and the layout are the same as already agreed they have no objections to the scheme.

#### *Access*

- 10.5. Access to the site is proposed via a new priority junction from A638 Bradford Road. Drawing no. 827/02 Rev A shows the proposed access arrangements. The site access junction incorporates a 5.5 m wide carriageway with 2m wide footways at either flank of the access road. Adequate visibility splays can be achieved at the proposed site access junction with A638 Bradford Road.
- 10.6. A right hand turn pocket is proposed for traffic waiting to turn right into the site. This can accommodate approximately 5 vehicles. Forward visibility for vehicles waiting to turn right into the proposed site access accords to current guidance and is considered acceptable, and can accommodate service vehicle turning.

#### *Traffic generation*

- 10.7. Assessment using the industry standard TRICS database indicates that the development is forecast to generate 82 and 87 two-way vehicle movements respectively in the morning and evening peak periods. The two-way vehicle flows along A638 Bradford Road are circa 1000 two-way vehicles during the morning and evening peak hours.

#### *Accessibility*

- 10.8. *Bus* The nearest bus stop is located adjacent to the site frontage at A638 Bradford Road. The bus stop is served by bus services 268 and 268A, providing a combined two-way weekday frequency of circa 5 buses per hour in the daytime. The site is in close proximity to the Cleckheaton Bus Station, and approx. a 10 minute walk from the town centre and associated facilities.
- 10.9. Parking provision within the site layout accords to Kirklees Council's parking standards.

#### Urban Design Issues.

- 10.10. The proposal, including the amended house types, would complete a new development on this brown field site, in a sustainable location. The development is flanked by existing housing schemes to the north and west, and

also on the opposite side of Bradford Road, and a residential development is compatible with most of the surrounding area, and would represent an improved frontage onto Bradford Road.

- 10.11. The development delivers housing at a density of approx. 43 per ha, which is considered to be an efficient use of the site exceeding the Local Plan target of 35 per ha, but according with the Local Plan Policy PLP7 “Effective use of land and buildings”.
- 10.12. The dwellings are between 2 and 2.5 storey’s in height and this is considered to be an appropriate scale for this area, indeed there are similar dwellings nearby and apartments adjacent to the sites. The dwellings will be constructed of natural stone and slate, with the dwellings incorporating smooth stone window surrounds, corbelling and quoin details. The style of the dwellings and the materials used, has improved with this application and should enhance the street scene in this area.
- 10.13. In terms of the layout of the scheme satisfies the Councils space about building policies within the site, and in relation to the existing dwellings on the north and west of the site.
- 10.14. The layout has been altered to improve the internal road hierarchy in accordance with the guidance included in Manual for Streets, which is considered to provide an improved environment within the scheme. Along the Bradford Road frontage the dwellings are set slightly back from the back edge of pavement and for the most part the dwellings face onto the road, or have prominent elevations facing the road at right angles (ie no rear gardens backing onto the road). As such this is considered to be an acceptable frontage subject to the implementation of the indicative landscaped areas between the site and Bradford Road, and an appropriate solid wall boundary.
- 10.15. To the rear of the site there are a number of trees which are mature and afford screening and visual amenity to both the proposed and existing dwellings these are not affected by the development, nor is the line of the public right of way that runs adjacent the development to the west.

### Environmental Issues

- 10.16. *Noise*- the application site is adjacent the Rawfold Industrial Estate on the southern side, and there are existing businesses at that point. A noise report and necessary attenuation was submitted and agreed by condition on the original scheme. The purpose of this attenuation is two-fold, firstly to safeguard the residential amenity of any new dwellings, as well as not affecting the operational nature of any of the businesses. The agreed attenuation includes a mixture of acoustic fencing, and mechanical ventilation, and also extends to a number of the dwellings that front onto Bradford Road (Bradford Road being a source of traffic noise).
- 10.17. *Contamination*- The original application was accompanied by a Desk Top Study, and appropriate conditions including a Phase 2 report and Remediation Strategy were added. These conditions have now been satisfactorily discharged and the approved remediation strategy for the whole site will be conditioned to cover the amended scheme and house types.

- 10.18. *Air Quality* - the West Yorkshire Low Emissions Strategy indicates that on such sites appropriate measures to mitigate against any increase in emissions should be applied. On the original scheme a proposal for the installation of electric charging points was added, and a scheme has been submitted and discharged. The already approved details for the installation of electric charging points will be re-imposed as a condition, on the amended scheme and house types.

#### Flood Risk/Drainage.

- 10.19. The site is predominantly within flood Zone 1 ie the area least likely to flood, with a small proportion of the site being within Flood Zone 2. The existing scheme has been the subject of a Flood Risk Assessment and updated strategic drainage assessment provided and appropriate conditions submitted.
- 10.20. As a brownfield site, and also a former industrial site, the approved scheme satisfies the exceptions test. The scheme replaces a site that was largely covered with hard standing (ie impermeable material) as well as the industrial building, there was very little if any on site attenuation for surface water. The approved scheme should deliver a significant reduction in run off and the alterations to the house types do not impact upon that approved scheme, which will be re-imposed by a condition.

#### Bio Diversity

- 10.21. The application was accompanied by a bat survey that was updated in accordance with requests from the Environment Unit, and no roosts were found. There are no statutory requirements regarding bats on this site. Aside from the trees to the rear of the site next to the footpath, there is little on this site of any ecological value within the site. As such in accordance with the guidance contained in the National Planning Policy Framework and PLP30 – Bio diversity and geo diversity, the opportunity to secure bio diversity enhancement should be secured once again by means of conditions, which protect the root spread of the neighbouring trees, submit additional landscaping( particularly to the Bradford Road frontage) and require the implementation of the already approved scheme which provides new bird and bat roost opportunities, which are not affected by the amended scheme and house types.

#### Crime Prevention

- 10.22. There is no objection in principle to the residential development on this site, and the amended house types do not materially impact upon the approved layout or the previous comments. There are no shared rear access points and the parking areas for each dwelling are in close proximity to the dwelling and visible from the houses. Attention should be paid to the boundary treatment between the site and the footpath. This needs to be robust, whilst not necessitating the felling of trees next to the footpath that are outside of the applicant's ownership.
- 10.23. As such it is considered that the scheme as amended is satisfactory in terms of crime prevention, and accords with the guidance contained in part 8 of the National Planning Policy Framework "Promoting a healthy community".

## Objections

10.24. The objections/ representation on this scheme fall into 4 areas.

10.25. The site should be safeguarded as Priority Employment Area (PEA), in accordance with the Local Plan.

*Response: Whilst the site is within an area identified a PEA, the site already benefits from an extant residential, permission that has commenced, and could be completed. This is a material planning consideration that outweighs the PEA allocation.*

10.26. Loss of privacy from new dwellings.

*Response: The objector suggested this could be solved with appropriate fencing. A condition requiring appropriate fencing and boundary treatments is recommended, to secure residential amenity in the gardens of both the existing and proposed dwellings.*

10.27 Concern at the “no man’s land” between the site boundary and the public right of way.

*Response: The trees adjacent to the footpath, are outside of the application area, and they also need to be retained to provide visual screening, and improved bio-diversity. The objection appears to be about maintenance, which is not a matter for this application, and the complete removal of the trees to minimise future maintenance would not be supported*

10.28. The scheme should not impinge upon the operational ability of the neighbouring businesses to carry on

*Response: This particularly relates to businesses on Rawfold Way. There is already an approved noise attenuation scheme within the site covering dwellings most affected by potential disturbance, this extends to acoustic fencing, and mechanical ventilation, to safeguard residential, amenity, as well as the not disadvantaging the existing businesses.*

## **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.

11.3. The residential use of this site benefits from an extant permission, where the development has already commenced. The amendments to the house types have no effect on the already agreed layout access and road network, nor is there any request to alter the agreed Section 106 contributions towards either the affordable housing or the off-site contribution towards public open space improvement.

11.4 The scheme will see the delivery of 114 no dwellings on a brown field site that will make an important contribution towards the councils 5 year housing supply. As such

approval subject to the signing of a variation of the Section 106 and imposition of appropriate conditions is 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 commence development
2. Construct in accordance with the approved plans
3. Boundary treatments
4. Samples of materials (stone and slate to be confirmed).
- 5 Noise attenuation scheme – implementation
- 6 Remediation scheme – implementation
7. Drainage scheme –implementation
- 8 Bat and bird roost opportunities scheme-implementation
9. Electric charging points- implementation
- 10Removalof permitted development rights (all plots).

**Background Papers:**

Application and history files.

Website link to be inserted here: <http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f93825>

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