

PLANNING STATEMENT

PROPOSED RESIDENTIAL DEVELOPMENT ON LAND AT FORMER MIDLOTHIAN GARAGE, NEW MILL ROAD, HOLMFIRTH

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1. INTRODUCTION

- 1.1 This planning statement is produced in support of an outline planning application for the development of land to west of New Mill Road in Holmfirth, comprising of housing and a care home, with associated works.
- 1.2 The purpose of the statement is to provide an evaluation of the site and the planning application proposals, together with a review of local and national planning policies before presenting a case in support of the application taking into account all material planning considerations.

2. THE SITE AND PLANNING HISTORY

- 2.1 The site comprises of an irregular shaped area of approximately 2.6 hectares which was formerly occupied by a car dealership and servicing centre, and included a petrol filling station and substantial car parking areas towards the rear of the land. The site has been vacant since 2004.
- 2.2 The site is on the west side of New Mill Road (A635) and is around 950m to the north east of Holmfirth town centre. The site is 0.5 km to the north-west of Wooldale village centre; 0.7 km to the south-west of Thongsbridge; and 1.5 km to the west of New Mill.
- 2.3 The site comprises of two distinct areas. The smaller front portion of the site is level with New Mill Road and consists of predominantly hardstanding areas. The larger rear part of the site is approximately 8 to 9 metres lower than the front part of the site, and is also predominantly covered with hardstanding, where marked out car parking spaces can still be observed. A steep embankment separates the site into the two distinct areas.
- 2.4 A number of trees exist across the site, including a belt of trees towards the north east frontage.

- 2.5 The site is within a predominantly residential area, although it is bounded by small-scale business and leisure uses, i.e. Holmfirth Fresh Fish and three tennis courts with a pavilion.
- 2.6 An application for 60 dwellings was withdrawn in 2005 following concerns raised regarding the viability of the site for residential use given previous historic uses.
- 2.7 An application was submitted in 2009 for a retail store and petrol filling station but was withdrawn. The application was resubmitted in 2011 and was refused by the Local Planning Authority on the grounds of traffic impact and failure to satisfy the sequential test for retail use.

3. THE APPLICATION

- 3.1 The application is submitted in outline and is for the development of the land for housing and a care home. The layout plan shows 56 plots spread around the site with the care home sited to the south east boundary and with a frontage onto New Mill Road. The care home is indicatively intended to be on three storeys with 62 beds and associated parking for 9 vehicles and outdoor amenity space.
- 3.2 Access to the site will be taken as existing from New Mill Road with the internal estate road running into short cul-de-sacs to serve the plots.
- 3.3 A belt of mature trees set back from the road would be retained and incorporated into the scheme layout. An area of public open space is to be provided to the north west of the site which amounts to approximately 0.3 hectares.
- 3.4 The design and access statement prepared by Loroc Architects describes the design concept and principles behind the scheme.

4. PLANNING POLICY FRAMEWORK

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the statutory development plan consists of the Kirklees Unitary Development Plan (“UDP”). The site is unallocated in the UDP.
- 4.2 The new Local Plan has not reached a stage as yet where it carries any weight in the decision making process.

Local Policy

- 4.3 Policy D2 advises that planning permission for development (including changes of use) on land that is unallocated in the UDP will be granted provided that the proposals would not prejudice:
- i. The implementation of proposals in the plan;
 - ii. The avoidance of over-development;
 - iii. The conservation of energy;
 - iv. Highway safety;
 - v. Residential amenity;
 - vi. Visual amenity;
 - vii. The character of the surroundings;
 - viii. Wildlife interests;
 - ix. The efficient operation of existing and planning infrastructure.
- 4.4 Policy H10 refers to the provision of affordable housing and negotiations between the LPA and developers. The extent and nature of affordable housing provision will have regard to evidence of local need, the size of the site and its suitability in terms of access to local services, the degree to which a mix of house sizes and types is provided, and the viability of the overall development. Supplementary Planning Document 2 (adopted in 2008) provides more detailed advice on affordable housing and the issues of site suitability and financial viability.

- 4.5 Policy H16 advises that proposals for residential homes for the elderly will be determined having regard to:
- (i) The effect of the proposal on the character of the area and on adjacent residents;
 - (ii) The provision of open space for use of residents;
 - (iii) Satisfactory access, parking and circulation for vehicles;
 - (iv) The effect of any physical alterations on the character and appearance of the premises.
- 4.6 Policy H18 requires housing proposals on areas of land greater than 0.4ha to include measures within the site for the provision of public open space at a minimum rate of 30m² per dwelling. It is advised that the precise nature of the extent of provision will be determined by reference to the size of the site and the number and type of dwellings together with its physical characteristics.
- 4.7 Policies BE1 and BE2 relate to design with the former requiring all development to be of good quality design such that it retains a sense of local identity, is visually attractive and promotes safety as well as energy efficiency. Policy BE2 requires proposals to take into account site topography, respect the design, materials, scale, density and layout of surrounding development and to incorporate existing and proposed landscape features.
- 4.8 Policy BE11 requires new development to be constructed in natural stone or similar materials to that prevailing in the local area.
- 4.9 Policy BE12 requires new dwellings to be designed to provide privacy and open space for occupants and physical separation from adjacent property and land. Various minimum distances are set out including a distance of 1.5m from any wall of a dwelling and the boundary of adjacent land.

- 4.10 Policy NE9 advises that development proposals should normally retain any mature trees within the site with adequate precautions taken to protect trees during the construction period.
- 4.11 Policy T10 does not support development if it would create or materially add to highway safety problems.
- 4.12 Policy T19 requires the provision of off-street parking as set out in Appendix 2 to the UDP. For units less than 140m², two spaces are required and for units in excess of that figure, three spaces are required. There are separate and lower figures for affordable housing and flats.

Local Policy Guidance

- 4.13 The Council's guidance "*Providing for education needs generated by housing*" advises that planning obligations will be used as the mechanism for a legal agreement between the Council and developers to secure infrastructure and services that authorities believe to be necessary to facilitate proposed development. In any housing proposal of 25 dwellings or more the need for educational contributions is a material consideration. Proposals above this threshold are considered to have a measurable impact on school accommodation and the Council will assess such proposals to decide whether a financial contribution is appropriate. It is advised that contributions will only be sought where the new housing will generate a need which cannot be met by existing local facilities.

National Policy

- 4.14 The previous regime of Planning Policy Statements and Guidance has been replaced by the National Planning Policy Framework ("NPPF") as published in March 2012, supported by Planning Practice Guidance published in March 2014. The key theme with the NPPF is the importance placed on sustainable development.
- 4.15 In relation to housing considerations, paragraph 9 of the NPPF relates to pursuing sustainable development. It states that this involves "...seeking positive

improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including widening the choice of high quality homes".

- 4.16 Paragraph 14 refers to a presumption in favour of sustainable development and it is advised that this *"should be seen as a golden thread running through both plan-making and decision-taking."* It advises that local planning authorities should positively seek opportunities to meet the development needs of their area. In addition, where relevant policies are out of date, planning permission should be granted unless the impacts would be so significantly adverse as to outweigh the benefits.
- 4.17 Paragraph 17 of the NPPF sets out the 12 core land-use planning principles of the planning system and these include proactively driving and supporting sustainable economic development to deliver the homes, infrastructure and thriving local places that the country needs; and encouraging the effective use of land by reusing land that has been previously developed (brownfield land). Every effort should be made objectively to identify and then meet the housing needs of an area, and respond positively to wider opportunities for growth.
- 4.18 Paragraph 47 states that local planning authorities should *"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land."*
- 4.19 Paragraph 49 advises that, *"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites."*

5. THE CASE IN SUPPORT OF THE APPLICATION

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

- 5.2 The key issues with this application are considered to be the principle of development having regard to the UDP designation, landscape impact, open space, highway safety, amenity, design and planning obligations.

Principle of development

- 5.3 The site is unallocated in the current adopted development plan.
- 5.4 As the Local Plan was adopted in 1999 it was not prepared under the Planning & Compulsory Purchase Act 2004. Paragraph 215 of the NPPF states that policies not adopted in accordance with the 2004 Act need to be considered in terms of their degree of consistency with the NPPF with the advice being that *'the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given'*. Hence, if there is any conflict with the local plan the local plan policies carry limited or no weight and the application should be assessed against the new Framework.
- 5.5 As set out in Section 4 above, the main thrust of the NPPF is an overarching presumption in favour of sustainable development. This reaffirms that it is the Government's clear expectation that local planning authorities should deal promptly and favourably with applications that comply with up to date plans and that where plans are out of date, there will be a strong presumption in favour of sustainable development that accords with national planning policies.
- 5.6 In view of the above it is necessary to consider whether or not the application site is sustainable. No single definition of the term is present in the NPPF but it does at paragraph 6 outline that the policies set out between paragraphs 18 to 219 *'taken as a whole, constitute the Government's view of what sustainable development in England means'* and it is therefore necessary to consider whether or not the proposals would contravene any of those identified NPPF policies.
- 5.7 In terms of sustainability the site is within an existing settlement and has good access links into Holmfirth town centre which is less than a kilometre to the south of the site

and where there are a wide range of services, facilities and employment opportunities. There are also local schools together with community and recreational facilities in the local area together with nearby villages with service facilities.

- 5.8 One of the objectives of the NPPF is to widen the choice of high quality homes and to significantly boost the supply of housing. Accordingly, the NPPF requires LPA's to identify and update annually a supply of specific deliverable sites for housing ensuring that there is sufficient to provide for a five year supply against local requirements.
- 5.9 At this time the Council can only currently demonstrate a 2.45 year supply of housing. The advice in the NPPF is that local planning authorities should be able to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing and where this cannot be demonstrated relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.
- 5.10 Paragraph 14 of the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted.
- 5.11 In this case, the site is not within any area of special environmental protection and it is a previously developed land resource, satisfying one of the core principles of the NPPF.
- 5.12 The provision of a care home within the development would be in accordance with Policy H16 of the UDP. The layout shows adequate parking and circulation together with amenity space for residents and a care home would fit appropriately within the predominant residential character of the area.
- 5.13 It is considered that the proposal is in line with the broad objectives of the NPPF in that it has will provide economic benefits and also reflects the general need and

demand for housing in the area. In conclusion on this issue therefore, having regard adopted policy in the UDP (specifically policies D2 and H16) and to the advice in the Framework, the proposal is considered by the applicant to be acceptable in principle.

Design and Layout

- 5.14 The layout proposes a typical residential estate arrangement with a mix of house types, private gardens and frontages onto the main road, all taking account of the topography and form of the site.
- 5.15 Design is not put forward for consideration at this stage, so scale and appearance are reserved. However, the applicant is mindful of the policy requirements in the UDP – BE1, BE2 and BE11 – as set out in section 4 of this statement.

Amenity

- 5.16 Again as the appearance of the dwellings is not yet for consideration, issues in relation to privacy and minimum distance standards will be assessed at a later time. Notwithstanding this, it is evident from the layout submitted that a scheme can be put together which would adequately address the requirements of Policy BE12.

Open Space

- 5.17 Policy H18 sets out the requirements for public open space and the proposals include a dedicated area of POS to the north east of the residential area of the site, amounting to 0.3 hectares. The scheme also includes the retention of tree belts towards the front of and at the rear of the site.
- 5.18 With this in mind the level of provision is considered to be acceptable having regard to Policy H18.
- 5.19 It is anticipated that the future maintenance and management of the open space will be subject to further discussion and agreement with the LPA.

Highway Safety

- 5.20 Given that a residential use of the land is proposed, there will be an increase in traffic activity within the local surroundings. However, having regard to the historic land use it is not considered that there would be any highway safety implications in terms of policy T10 of the UDP.
- 5.21 With regard to parking standards although this will be addressed at reserved matters stage, the layout demonstrates provision of 2 parking spaces for each housing plot and 9 spaces for the care home.

Landscaping Issues

- 5.22 A tree survey is included as part of the package of documents submitted with the application which addresses the issues set out in policy NE9 of the UDP.
- 5.23 The development as already stated retains the key tree belts within the site.

Planning Obligations

- 5.24 Having regard to the advice at Policy H10 of the UDP and in SPD2 and the guidance provided on education needs in development, the applicant is prepared to discuss and negotiate on any reasonable requirements from the local authority. The scheme makes provision for affordable housing on site as set out in the Design and Access Statement.

6. CONCLUSION

- 6.1 The proposals as put forward in this planning application are considered to comply with the key areas of policy advice in the NPPF. There is a presumption in the NPPF in favour of residential development for housing applications and the land represents a brownfield resource.

- 6.2 There is no adverse impact on the character or appearance of the local area or on the surrounding streetscape, and the proposal is in accordance with all other policies in the UDP and the NPPF.
- 6.3 We would therefore request, on behalf of the applicant, that planning permission is granted.