

**Application No: 2014/91721**

**Type of application: 60m - *OUTLINE APPLICATION***

**Proposal: *Outline application for residential development***

**Location: *Spafield Mill, Upper Road, Batley, WF17 7LR***

**Grid Ref: 423905.0 422865.0**

**Ward: *Batley East Ward***

**Applicant: *Spafield Properties Ltd, c/o agent***

**Agent: *H Barry Jackson & Associates***

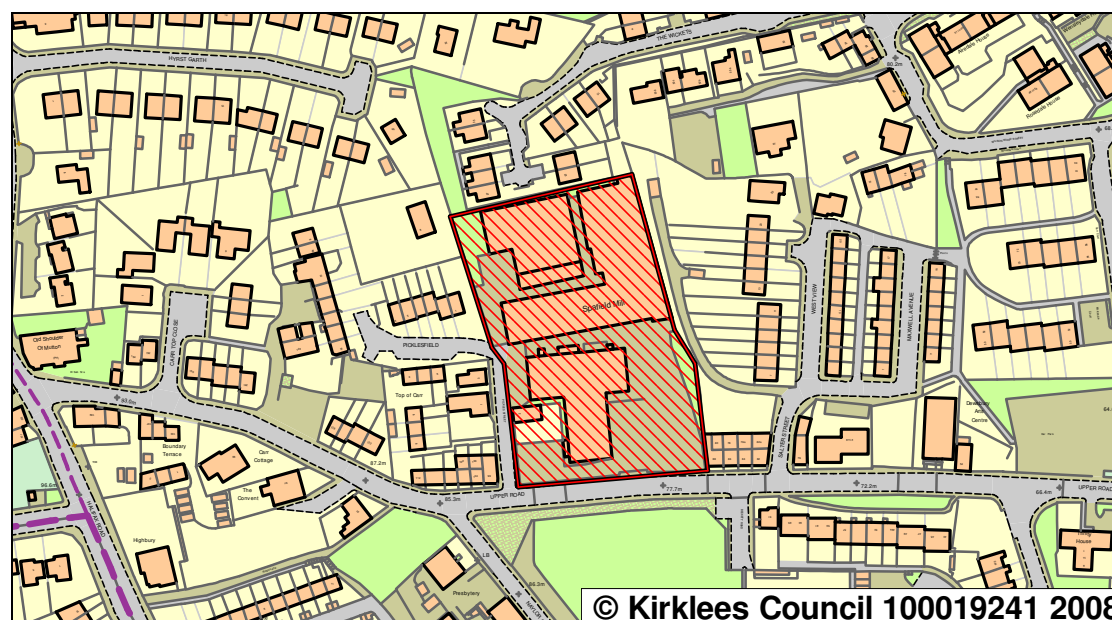
**Target Date: *21-Sep-2015***

**Recommendation: *OP - CONDITIONAL OUTLINE PERMISSION***

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**<http://www.kirklees.gov.uk/business/planning/advicenotes/PublicSpeakingCommittee.pdf>**

## **LOCATION PLAN**



**Map not to scale – for identification purposes only**

## 1. SUMMARY OF APPLICATION

<b>Application Details</b>		
Type of Development	Outline application for residential development	
Scale of Development	Site area: 0.75 hectares	Units: N/A
<b>Policy</b>		
UDP allocation	Unallocated	
Independent Viability Required	No	See report below
<b>Consultation/Representation</b>		
Individual Support (No.)	N/A	
Individual Objection (No.)	No	
Petition	No	
Ward Member Interest	No	
Statutory Consultee Objections	No	
<b>Contributions</b>		
• Affordable Housing	Secured by condition	
• Education	Secured by condition	
• Public Open Space	Secured by condition	
• Other	N/A	
<b>Other Issues</b>		
Any Council Interest?	No	
Pre-application planning advice?	No	
Pre-App Consultation Undertaken?	No	
<b>Comment on Application</b>	The application is recommended for outline consent.	

**RECOMMENDATION:      CONDITIONAL OUTLINE PERMISSION**

## 2. INFORMATION

The proposals are brought forward to the Heavy Woollen Planning Sub-Committee for determination in accordance with the Council's Scheme of Delegation as:

- The application site area is in excess of 0.5 hectares

## 3. SITE DESCRIPTION / PROPOSAL

### Site Description

The application site currently consists of a number of industrial buildings. These vary in height but rise to around 3/4 storeys. The site appears to

remain in commercial use at present. The existing buildings are a mix of stone and blockwork.

The site is predominantly surrounded by residential development. Upper Road borders the site to the south and it slopes downwards from north to south. The site does not contain any mature or protected trees.

Vehicle access into the site is mainly from Upper Road but secondary access is also provided from Pickles Street.

### **Proposal**

The application is for outline planning permission for the erection of residential development. All matters are reserved, meaning that matters relating to access, layout, scale, appearance and landscaping would need to be the subject of a reserved matters application.

The application was originally submitted with access and layout applied for and 33 dwellings proposed. However following discussions with the applicant, these elements have been removed.

### **4. BACKGROUND AND HISTORY**

2011/90475 – Change of use from industrial land to residential land. Invalid

1994/91548 – Erection of storage warehouse and formation of vehicle turning area. Approved.

### **5. PLANNING POLICY**

The application site is unallocated on the UDP Proposals Map.

#### **Kirklees Unitary Development Plan**

D2 – Development without notation

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

EP10 – Energy Efficiency

EP11 – Integral landscaping scheme to protect / enhance ecology

BE23 – Crime Prevention

## National Planning Policy Framework

Chapter 4 - Promoting sustainable transport

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring good design

Chapter 8 - Promoting healthy communities

Chapter 10 - Meeting the challenge of climate change, flooding

Chapter 11 - Conserving and enhancing the natural environment

## Other policy considerations

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

SPD2 – Affordable Housing

## **6. CONSULTATIONS**

The following is a brief summary of the consultation responses received. Where necessary, these consultations are reported in more detail in the assessment below:

**K.C. Highways Development Management** – No objections in principle.

**K.C. Environmental Services** – No objections subject to standard contaminated land conditions.

**K.C. Ecology & Biodiversity Officer** – No objections in principle but further information is required in respect of bats, and other mitigation/enhancement measures.

**K.C Flood Management and Drainage (Lead Local Flood Authority)** – No objections subject to conditions.

**Environment Agency** – “No comment to make on this application.”

**Yorkshire Water** – No objection subject to conditions.

## **7. REPRESENTATIONS**

The application has been advertised by neighbour letter, newspaper advertisement and site notice. This period of publicity expired on the 21/11/14.

No letters of representation have been received.

## **8. ASSESSMENT**

The application is for outline planning permission for residential development with all matters reserved.

### **General principle:**

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The site is without notation on the UDP Proposals Map and Policy D2 (development of land without notation) of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. All these considerations are addressed later in this assessment.

The NPPF sets out a presumption in favour of sustainable development. For decision taking this means ‘approving development proposals that accord with the development plan without delay’.

Given the presence of existing industrial buildings on the site, the site is classed as ‘brownfield’ for the purposes of assessing the principle of development in accordance with the NPPF.

The NPPF encourages the effective use of land by reusing land that has been previously developed, although it does not set out a ‘brownfield first’ approach to development (unlike previous planning policy).

The NPPF identifies three dimensions to sustainable development; an economic role contributing to building a strong, responsive and competitive economy; an environmental role; and a social role by providing the supply of housing required to meet the needs of present and future generations.

In respect of the economic role, paragraph 18 of the NPPF states that,

*“The Government is committed to securing economic growth in order to create jobs and prosperity.”*

The proposed development will contribute significantly through the creation of jobs through the construction phase, including for contractors and local suppliers and generating additional demand for local services.

In respect of the environmental role, the regeneration of a brownfield site will improve the character of the area. Landscaping/ecological enhancement measures will be required as part of any approval and these will assist in enhancing the environment.

The development will also deliver new development that is fit for purpose, providing new modern buildings that are energy efficient and take advantage of renewable energy sources and low carbon consumption.

In terms of a social role, the development will contribute through the provision of housing (including 15% of the floorspace of the development being affordable housing) at a time when the Council is unable to demonstrate a 5 year supply of housing land.

Paragraph 6 of the NPPF states, *“The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.”*

Paragraph 19 adds that the Government *“is committed to ensuring that the planning system does everything it can to support sustainable economic growth.”*

#### Loss of business premises

The site is in existing employment use and primarily accommodates the land owners (Tom W Beaumont Ltd & Yorkshire Wiper Co Ltd), along with two tenant businesses.

Policy B1 of the Council’s UDP seeks to meet the employment needs of the district by providing land to accommodate the requirements of business and maintaining the stock of established business and industrial premises and sites, except where this would lead to environmental problems or where they are unsuitable for business and industrial use or there is no realistic prospect of re-use or redevelopment for such purposes.

NPPF paragraph 22 is clear that local planning authorities should not safeguard sites previously in employment use if there is no strong economic case for their retention. It is noted that these premises are still operational; however, the location and premises are not considered to be of strategic significance to the district’s employment stock. Despite this, there still remains a requirement for the applicant to justify the change of use. This will be an important element in addressing saved UDP policy B4.

Policy B4 sets out considerations against which proposals for change of use of land and premises in existing employment use will be considered. The applicant contends that the site should be released for housing on the following basis:

- A number of the existing buildings on site are in poor physical condition.
- The layout of the buildings is not suited to modern production processes

- Existing access into the site is poor for large vehicles
- The surrounding development is exclusively residential and the industrial use of the site is not as compatible with this use as the proposed residential use.
- The development proposed would not impact adversely upon buildings of architectural or historic interest. Redevelopment of the existing site, in a relatively prominent location with frontage to the main road would improve the local amenity of the area.

In terms of Policy B4, whilst the applicant has not evidenced particularly the considerations set out above, the general conclusions drawn are accepted. The development is therefore considered acceptable in respect of Policy B4

By way of background information; the landowners and part occupiers (Tom W Beaumont Ltd & Yorkshire Wiper Co Ltd) have confirmed, by email, that they wish to fund a relocation to a more suitable and modern premise. This would help to safeguard the existing 21 jobs. It has also been stated that one of the other companies on site is already looking to relocate to more suitable premises.

These proposals for relocation appear to be at any early stage of consideration and therefore the relocation of the existing business is not considered a factor to which significant weight should be given.

#### **Impact on residential amenity:**

The applicant has not sought approval of details of layout at this time and therefore the issue of the impact of the dwellings on residential amenity will need to be fully considered at reserved matters stage. However, it is considered that an acceptable layout can be brought forward at reserved matters which would not unduly impact on residential amenity.

Policy BE12 of the DP recommends minimum separation distances of 21 metres between existing and proposed habitable room windows and it is considered that the site is large enough to enable separation distances to be at least in accordance with these recommended distances. Achieving at least these appropriate separation distances will ensure that no significant loss of amenity will occur in terms of overlooking.

The proposed scale will also need to be considered at reserved matters stage, however given the context, it is expected that the dwellings will be two storey.

Subject to an acceptable layout and space about buildings, the development would not create any significant detrimental impact in respect of overshadowing or overbearing impact.

In terms of living conditions for future occupants, adequate amenity space can be provided when details of the site layout are brought forward. Depending upon the site layout proposed, it may be necessary to remove Permitted Development Rights for extensions/outbuildings, but again this is a matter for consideration at Reserved Matters stage.

### **Impact on visual amenity:**

Paragraph 58 of the NPPF states that planning policies and decisions should ensure developments, *“respond to local character and history, and reflect the identity of local surroundings and materials”*

In relation to the impact of the development on visual amenity, this will need to be examined fully at reserved matters stage when details of layout, landscaping, scale and appearance are submitted.

The nature of surrounding residential development (which is to the north and south of the site) predominantly consists of detached properties and this will need to be considered at reserved matters stage.

Subject to appropriate details being submitted at reserved matters, it is considered that the proposed development is acceptable in relation to visual amenity and the proposals accord with Policy D2 of the Kirklees UDP in this regard.

### **Highways:**

It is considered that the proposed residential development would result in a de-intensification in use when compared to the existing industrial use and these proposals are therefore considered to be acceptable in principle.

Initial concerns were raised in respect of the width of footways, visibility splays and width of the site access. However, as ‘access’ has now been withdrawn from consideration, these matters can be addressed at reserved matters stage.

Subject to the imposition of conditions, it is considered that the development is acceptable in respect of highway safety, complying with the aims of policy T10 of the UDP.

### **Drainage/Flood Risk:**

The Council’s Flood Management and Drainage Officer, Yorkshire Water and the Environment Agency have been consulted on the application.

The Environment Agency has confirmed that it does not wish to make comments on the application. Yorkshire Water and the Council’s Flood Management and Drainage officer have raised no objections subject to the

imposition of conditions. With the inclusion of such conditions, the proposals are considered to accord with the aims of chapter 10 of the NPPF.

### **Ecology:**

The Council's Ecologist has considered the submitted ecological and bat surveys. The latter has established that there are small common pipistrelle non-maternity roosts in two of the buildings and are a Natural England European Protected Species.

Given that there is no detailed (layout) plan at present for the site, it is not possible to determine details of roost replacement. Further activity surveys may be required before demolition takes place. Further information is therefore required in respect of a timetable for demolition and roost destruction and, redevelopment and roost creation. In addition clarification on how roost continuity will be maintained between demolition and redevelopment of the site. The Council's ecologist has requested that this information is provided pre-determination.

Whilst these comments have been noted, however, it is considered that this matter can be dealt with by condition. This is because the application is in outline form only and ultimately the matter is covered by Natural England's legislation.

A condition is also required for a comprehensive biodiversity management and enhancement plan, which includes:

- A scheme to eradicate Japanese Knotweed
- A landscaping scheme which retains existing vegetation/boundary hedges where possible and includes new planting based upon the use of native tree and shrub species.
- An appropriate number of bat and bird boxes integral to the new dwellings and on mature trees where appropriate to species. New swallow nest boxes within garages and outbuildings should be incorporated into the development to compensate for the loss of existing nest sites and these shall be accessible to the birds.
- A lighting scheme which is designed to avoid light spillage into tree corridors where bats are likely to forage and/or where bat boxes have been erected. This applies to both the construction and operational phases.

Subject to conditions, the development is considered acceptable in respect of ecology and accords with the guidance contained within the National Planning Policy Framework.

### **Affordable Housing:**

In accordance with Policies H10 and H12 of the UDP and the guidance contained within SPD2, as well as the NPPF, the provision of affordable housing is a material planning consideration.

As this is a brownfield site (given that it currently contains a number of buildings), 15% of the total floorspace of the development is required for affordable housing.

As the floorspace of the development is not known (as layout has not been applied for) it is recommended that a standard condition be imposed to secure this provision, in accordance with the above policies and guidance.

### **Landscaping:**

Policy H18 of the UDP requires the provision of Public Open Space on sites put forward for housing development which are over 0.4 hectares. The site area is well in excess of this and therefore the requirements of Policy H18 apply.

As the layout and numbers of dwellings is not established by this application, it is recommended that a standard condition be imposed to secure this provision, in accordance with policy H18 of the UDP.

### **Education:**

In line with the requirements of 'Providing for Education Needs Generated by New Housing' (KMC Policy Guidance), the proposed development attracts a contribution towards additional School Places it generates.

This constitutes a material consideration in the assessment of any housing proposal for 25 dwellings or more. As the numbers of units is not established by this application, and given the size of the site, it is feasible that this threshold may be met. It is therefore recommended that a standard condition should be imposed to secure this provision.

### **Contaminated Land:**

The Council's Pollution & Noise team has been consulted on the application and have considered the submitted Contaminated Land report.

The submitted information is considered acceptable and there are no objections subject to imposition of standard contaminated land conditions as set out in this report.

Subject to these recommended conditions, matters in respect of contaminated land can be satisfactorily resolved, in accordance with Policy G6 of the Unitary Development Plan and Chapter 11 of the NPPF.

### **Objections:**

No letters of representation have been received.

## **Conclusion:**

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. It is considered that the proposed development is in accordance with the principles of sustainable development.

This application has been assessed against relevant policies in the development plan and other material considerations. The proposals are considered to be compliant with the policies in the Unitary Development Plan and there are no adverse impacts which would outweigh the benefits of the scheme.

## **9. RECOMMENDATION**

### **CONDITIONAL OUTLINE PERMISSION**

1. Approval of the details of the means of access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the means of access, appearance, landscaping, layout and scale shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.
3. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or in the case of approval of different dates, the final approval of the last such matter to be approved.
5. Details of the siting, design and materials to be used in the construction of walls or fences or boundaries, screens or retaining walls shall be submitted to and approved in writing by the Local Planning Authority before development commences. The approved walls/fences shall be erected before the development hereby approved is occupied / brought into use and shall thereafter be retained.
6. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of affordable housing have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise approved in writing by the Local Planning Authority, the arrangements shall cover the following matters:-

- a) the number and type of affordable housing units to be provided.
- b) the layout and disposition of the units affordable housing to be provided.
- c) the timescale for the implementation and completion of the affordable housing units;
- d) the mechanism for ensuring that the affordable housing units remain affordable for both the initial and subsequent occupiers.

7. No material operation as defined in section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development have been submitted to and approved in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

- a) the layout and disposition of the public open space.
- b) the timescale for the implementation and completion of the works to provide the public open space;
- c) the mechanism for ensuring that the public open space will be available for public within perpetuity.
- d) maintenance of the public open space in perpetuity.

8. No material operation as defined in Section 56(4)(a)-(d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of educational facilities to serve the needs of the development have been submitted to and approved in writing by the Local Planning Authority.

9. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

10. Where further intrusive investigation is recommended in the preliminary risk assessment approved pursuant to Condition 9 development shall not commence until a Phase II intrusive site investigation report has been submitted to and approved in writing by the Local Planning Authority.

11. Where site remediation is recommended in the Phase II intrusive site investigation report approved pursuant to condition 10 development shall not commence until a remediation strategy has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall include a timetable for the implementation and completion of the approved remediation measures.

12. Remediation of the site shall be carried out and completed in accordance with the remediation strategy approved pursuant to condition 11. In the event that remediation is unable to proceed in accordance with the approved remediation strategy or contamination not previously considered in either the preliminary risk assessment or the phase ii intrusive site investigation report is identified or encountered on site, all works on site (save for site investigation

works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the remediation strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised remediation strategy.

13. Following completion of any measures identified in the approved remediation strategy or any approved revised remediation strategy a validation report shall be submitted to the Local Planning Authority. Unless otherwise approved in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved remediation strategy or the approved revised remediation strategy and a validation report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

14. Development shall not commence until a scheme detailing separate systems of foul and surface water drainage, (including off site works, outfalls, balancing works, plans and longitudinal sections, hydraulic calculations, phasing of drainage provision, existing drainage to be maintained/diverted/abandoned) has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until such approved drainage scheme has been provided on the site to serve the development or each agreed phasing of the development to which the dwellings relate and thereafter retained throughout the lifetime of the development.

15. Development shall not commence and layouts not agreed until a survey of watercourses (location, dimensions, depth and condition) crossing the site has been submitted to the Local Planning Authority and appropriate stand-off distances (from which layouts shall be designed around), diversions, repair and renewal schemes have been approved in writing by the Local Planning Authority. Flood routing from watercourse shall be dealt with separately. The scheme shall include a detailed maintenance and management regime for the piped watercourse and works for the lifetime of the development. No part of the development shall be brought into use until the watercourse piping works. The maintenance and management regimes shall be implemented thereafter.

16. Development shall not commence until a survey of existing drainage has been submitted to the Local Planning Authority from which scheme restricting the rate of surface water discharge from the site to 70% of the existing pre-development flow rate to the same outfall (positive connection), has been submitted to and approved in writing by Local Planning Authority. The drainage scheme shall be designed to attenuate flows generated by the critical 1 in 30 year storm event as a minimum requirement. Volumes between the critical 1 in 30 and the critical 1 in 100 year storm events, with an appropriate allowance for climate change, shall be stored on site in areas to be approved in writing. The scheme shall include a detailed maintenance and

management regime for the storage facility including the flow restriction. There shall be no piped discharge of surface water from the development and no part of the development shall be brought into use until the flow restriction and attenuation works comprising the approved scheme have been completed. The approved maintenance and management scheme shall be implemented thereafter.

17. The development shall not commence until an assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, exceedance events and blockage scenarios on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, has been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use (dwellings shall not be occupied) until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter .

18. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and no buildings shall be occupied or brought into use prior to completion of the approved foul drainage works.

19. Development shall not commence until details of in-situ bat and bird boxes incorporated into the design of the dwellings have been submitted to and approved in writing by the Local Planning Authority. The bat and bird boxes shall be provided at a ratio of one box per 4 dwellings. The development shall be undertaken in accordance with the details so approved and the bat and bird boxes provided retained thereafter.

20. Development shall not commence until a scheme detailing landscaping, tree/shrub planting, including the indication of all existing trees and hedgerows on and adjoining the site, details of any to be retained, together with measures for their protection in the course of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail the phasing of the landscaping and planting. The development and the works comprising the approved scheme shall be implemented in accordance with the approved phasing. The approved landscaping scheme shall, from its completion, be maintained for a period of five years. If, within this period, any tree, shrub or hedge shall die, become diseased or be removed, it shall be replaced with others of similar size and species unless the Local Planning Authority gives its written consent to any variation.

21. No development shall take place until details of a scheme to eradicate Japanese Knotweed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the schedule of the works. The development shall then be completed in accordance with the approved scheme.

22. No development shall take place until a lighting scheme, which is designed to avoid light spillage into tree corridors where bats are likely to forage and/or where bat boxes have been erected, has been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved scheme.

This recommendation is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location plan	14/05/06/01		5/6/14
Bat survey			9/10/14
Contaminated land report			29/9/14
Design & Access statement			4/6/14
Additional bat surveys	June 2015		20/10/15