
Report of the Head of Development Management**HUDDERSFIELD PLANNING SUB-COMMITTEE****Date: 09-Mar-2017**

Subject: Planning Application 2016/92812 Demolition of industrial building and erection of 17 No. apartments with integral garages and associated parking Victoria Works, Fisher Green, Honley, Holmfirth, HD9 6DP

APPLICANT

Mr Eastwood, Eastwood
Homes Ltd

DATE VALID

19-Aug-2016

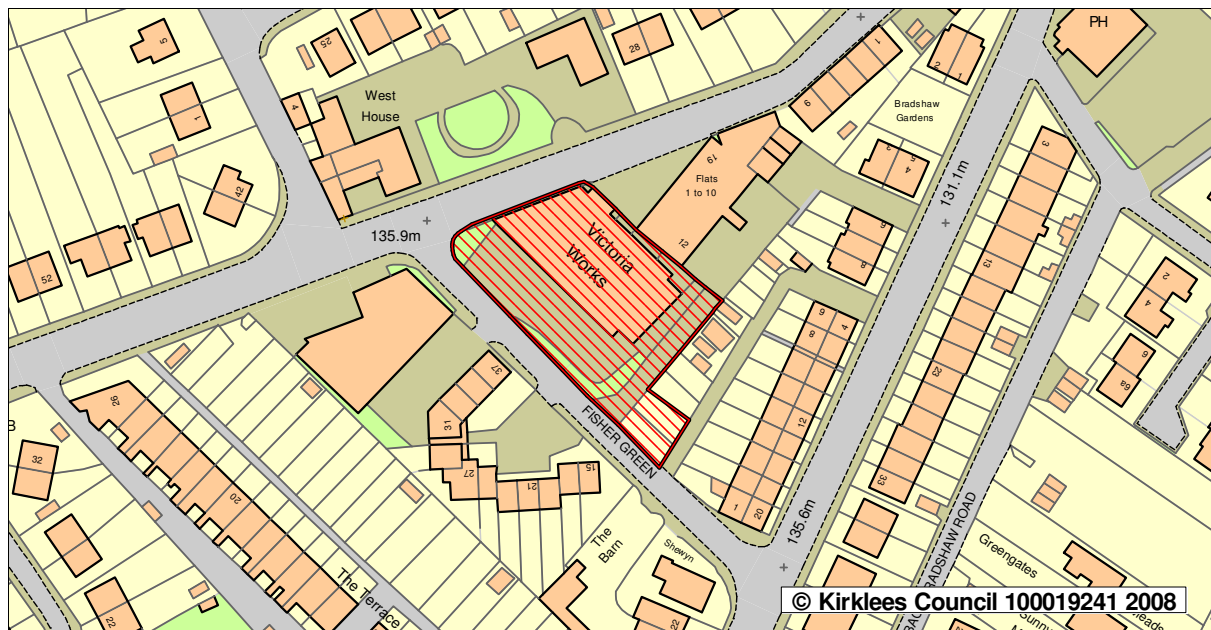
TARGET DATE

18-Nov-2016

EXTENSION EXPIRY DATE

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

Electoral Wards Affected: Holme Valley North

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 Development Management in order to complete the list of conditions including those contained within this report (and any added by the Committee):

1.0 INTRODUCTION:

- 1.1 The application is brought to Committee at the request of Cllr Charles Greaves along with a request for a site visit. Cllr Greaves reasons for referral are:

“the inadequate parking arrangements for the development (insufficient spaces, tandem parking, inadequate width of spaces and garages to be capable of parking a car, turning space, visitor parking) and the impact on highway safety (on a street and at a junction noted for parking problems) that will result from additional vehicles being pushed on street due to the poor provision for parking in the development.”

Cllr Edgar Holroyd-Doveton confirms he *“supports Cllr Greaves request based on the same criteria”*

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site on a prominent corner plot with two road frontages, currently accommodating a stone constructed building set back into the site from Fisher Green with car park and open forecourt area to the front and side (south east) of the building. The application red line also includes an existing vehicular access which serves the apartment to the north east and an area of land in the southern corner which appears to be formerly used in association with residential properties along Bradshaw Road.

- 2.2 The site is separated from residential properties by Meltham Road to the north. Immediately to the north east lies an apartment block, and to the south east are properties along Bradshaw Road separated from the application site by a strip of land mainly used as garden areas. Fisher Green runs parallel to the south west boundary of the site with residential properties beyond and Taylor's Food store on the junction with Meltham Road. On the opposite side of the junction, north- west of the site, lies a grade II listed building.
- 2.3 The building operates a long established industrial use by PA Welding a welding and fabrication company, covering a large extent of the site with external storage and appears to be with unrestricted hours of operation.

3.0 PROPOSAL:

- 3.1 The proposals are to demolish the existing building and erection of 17 no. apartments within one "L" shaped block with integral garages and associated parking. The proposed building would provide accommodation over three floors with a shared car park courtyard to the rear, internally within the site, to be served by the existing vehicular access road. The proposals would also include alterations to this vehicular access by setting back the wall along Fisher Green and providing a footpath along the full site frontage, to be tied into the proposed widened footpath along Meltham Road.
- 3.2 Proposed materials of construction are natural stone and concrete roof tiles with window frames. The proposed use of render initially proposed has now been omitted.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2016/92825 – erection of industrial unit and repositioning of site access – granted November 2016
- 2004/95352 – erection of 7 no. terraced dwellings with integral garages - conditional permission May 2005
- 2006/92311 – demolition of industrial building and erection of 17 no. apartments with undercroft parking – withdrawn
- 92/03125 – erection of covered loading bay and revised parking layout granted Sept 1992
- 89/03764 – alterations to form offices in part of workshop and re-roofing – granted conditionally Sept 1989

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 25/08/16 - Site plan to include existing walls to site frontage along Fisher Green
05/10/16 – Agents agreement to update Phase 1 contaminated land report in accordance with Environmental Health Officers advice dated 4th Oct 2016 and agreement to pre commencement conditions
25/11/16 – amended plans following advice of Officer
25/01/17 - amended plan (16/D03-16C) with details of bin storage
08/02/16 – detached garage details
21/02/17 – agents agreement to extension of time until after 9th March and conclusion to viability appraisal for contributions

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 published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.
- 6.2 The site is unallocated on the UDP Proposal maps and benefits from an established industrial use.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

D2 – Unallocated Land
B4 – Change of use of land and buildings last used for business or industry
BE1 – Design principles
BE2 – Quality of design
BE11 – Materials
BE12 – Space about buildings
EP4 – development and noise
T10 – Highway safety
T19 – parking provision
G6 – Land contamination
T10 – Highway safety
H10 – Affordable housing
H12 – Arrangements for securing affordable housing

Supplementary Planning Guidance / Documents:
K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’

National Planning Guidance:

Building a strong competitive economy (Section 1)
Delivering a wide choice of high quality homes (Section 6)
Requiring good design (Section 7)
Meeting the challenge of climate change, flooding and coastal change (Section 10)
Conserving and enhancing the natural environment (Section 11)
Conserving and enhancing the historic environment (Section 12)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The Council has advertised the application in the press, by site notices and through neighbour letters on receipt. This is in line with the Councils adopted Statement of Community Involvement. The final publicity period expired on 08th Feb 2017. As a result of the above publicity there has been seven objection/representations received. The concerns of which are summarised below:

- Adequacy of bin storage facilities and width of path
- Loss of sun light currently received to nos. 1,2 and 3 Fisher green from the proposed detached garage.
- Loss of sun light to no. 6 Fisher Green
- Highway concerns and lack of on street parking
- Existing inconsiderate parking on pavement
- three storey building not in keeping with the area
- design and appearance not in keeping with the area
- lack of parking and garage sizes only to accommodate “modern European family cars”
- Gates opening onto road from proposed access
- Clarity is sought on the siting and footprint of the garage and as to whether this would be up against the site boundary
- The potential length of time and delays which could occur to complete the development and impact on the neighbouring development from these delays

Holme Valley Parish Council - Support the application.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

K.C. Highways Development Management – support revised proposals subject to conditions
Yorkshire water – support subject to conditions

8.2 **Non-statutory:**

K.C. Environmental Services - support subject to conditions

K.C. Conservation & Design – support revised plans

K.C Flood Management and Drainage – awaiting comments on revised proposals

K.C. Strategic Housing – standard comments for the provision of affordable housing

9.0 **MAIN ISSUES**

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations

10.0 **APPRAISAL**

Principle of development

- 10.1 The site is on land without allocation in the UDP proposals plan, therefore Policy D2 is relevant which 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.
- 10.2 Furthermore as the site accommodates established business premises, Policy B4 of the UDP is also of relevance. Any proposals submitted relating to established business premises where the proposals are not to continue with the business use shall be accompanied with a statement demonstrating the suitability of the land and premises for continued business, the compatibility of the proposed use with the surroundings uses, the effect on any buildings of architectural or historic merit, the effect on the local amenity and highway network.
- 10.3 In terms of policy B4, the applicant has submitted a statement in this respect of this Policy along with details of the suitability of the land and premises for continued business use, the level of employment together with the current status of the existing business and future proposals to relocate the existing business on an alternative site within the district. The submitted statement in part states:

“The existing site occupied by PA Welding Ltd, has been an engineering works for the past 10 years and was originally built for the textile industry. Due to expansion within the fabrication industry, and a new site for the business has been located within the Huddersfield area, to meet the business’s current

and future requirements. Along the boundaries of the site are residential, therefore it is assumed that this site would be better suited as residential to fit in with the surrounding houses and to lessen the impact of noise and industrial vehicular movements from any industrial business on the neighbouring houses”.

- 10.4 Officers are of the opinion the information provided goes a reasonable way to satisfying the B4 requirements for a site of this size. This together with the intentions of the existing business to be relocated to a new building/site (recently granted under application no. 2016/92825) situated in Slaithwaite, thereby would retain the existing employment within the district of Kirklees and as such can justify the loss of the site as an established business site and would satisfy the stipulations of Policy B4.

Urban Design issues

- 10.5 UDP Policies BE1 and BE2 are considerations in relation to design, materials and layout. NPPF chapter 7 and 12 encourages and supports opportunities for improving the character and quality of an area and the way it functions. Paragraph 128 of the NPPF advises the significance of any heritage asset likely to be effected should be included.
- 10.6 Section 66 (1) of the Listed Buildings Act states “In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 10.7 Paragraph 132 of the NPPF notes that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 10.8 A listed building exists to the north west of the site. It is noted the existing building on site is not of any architectural merit and does little to enhance or preserve the setting of the aforementioned listed building, therefore the loss of the existing building on site offers an opportunity to not only improve the setting of the historic asset but also this site with two road frontages.
- 10.9 Following advice of officers the plans have been amended taking into account the points raised. The layout is a good response to the site and its constraints and turns the corner well using the topography of the site. The revisions include reducing the height of the proposed building and an increased separation distance from the listed building. The scale of the proposed building is considered to be proportionate when viewed in the context of the adjacent listed building which would sustain and enhance the setting of this Grade II listed building. Furthermore, the proposed block has been designed and would form a stepped approach in the roof line to the north- west corner.

This would sit well within the street scene and the listed building on the opposite side of the road so as not to harm its setting. In addition the “L” shape would provide a sense of enclosure to both Meltham Road and Fisher Green. The submitted section drawing demonstrates the scale and height of the proposed building would respect the scale of neighbouring buildings and is also a good response to the topography of the site and surrounding development. The final amended plans have omitted the use of render and now include the use of natural stone which would be in keeping with the materials that are prevalent in the immediate area. The use of stone walls with wrought iron railings to the Meltham Road boundary would again be in keeping with the area. The proposals are considered to accord with Policies BE1, BE2 & BE11 of the UDP.

- 10.10 To summarise, the harm caused by the proposals is less than substantial as defined by the NPPF. In such cases, where less than substantial harm occurs, paragraph 134 of the NPPF requires that this harm is weighed against the public benefit accrued by the proposal. In this case the public benefit is the proposals would be providing additional housing, regeneration of an unsightly building and redevelopment of a brownfield site which would accord with the three strands of sustainable development as set out in the NPPF.

Residential Amenity

- 10.11 UDP Policy BE12 sets out minimum separation distances to maintain privacy and open space for the occupants of residential development. Distances less than the recommended minimums will only be accepted if by reason of permanent screening, changes in levels, or innovative design, no detriment would be caused to existing or future occupiers. The separation distances to the existing apartment block to the north would be approximately 18m. A distance of 31m would be achieved to the properties to the east (disregarding the garage block) and 14m to the blank gable of the no. 37 Fisher Green to the south. These distances are in excess of the separation distances as set out in Policy BE12 of the UDP.
- 10.12 The external and internal layout of the proposed development has been designed in order to ensure compliance with Policy BE12. The general layout of the development would not be detrimental to residential amenities of the surrounding dwellings

Landscape issues

- 10.13 The hard/soft landscaping balance has been altered in order to maximise areas of soft landscaping (details to be conditioned) and the hard landscaping materials to include block pavements with roads and drives to be finished in tarmac.
- 10.14 Stone boundary walls along Fisher Green and Meltham Road are proposed. Wrought iron railings will be included above the stone boundary wall along Meltham road to provide a sense of enclosure to the amenity areas for proposed units along Meltham Road.

Housing issues

- 10.15 The NPPF states that (Paragraph 49) that “housing applications should be considered in the context of the presumption in favour of sustainable development.” The Government has stated in the NPPF that there are three dimensions to sustainable development: economic, social and environmental. These matters are considered elsewhere in this assessment. These proposals to provide an addition of 17 apartments will make a small contribution to housing provision in the Kirklees borough and make efficient use of a previously developed site.

Highway issues

- 10.16 UDP Policy T10 states that “New development will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, it cannot be served adequately by the existing highway network...”
- 10.17 The proposals would provide a total of twenty one car park spaces and eight garage spaces as shown on drawing no 16/D03/16 Rev B. The provision of a footway along Fisher Green along the full site frontage is proposed which would tie into the existing footway onto Meltham Road, which is to be widened.
- 10.18 Bin storage will be provided in the north east part of the site. Both the Highway Officers and Street Scene Area Manager have confirmed, the revised plans satisfactorily demonstrate the access, layout and parking elements of the scheme along with scope for bin storage/capacity and access to this area. The proposals are considered would not generate a significant number of journeys and can be served adequately by the existing highway network in a sustainable location and subject to conditions would address highway issues.

Drainage issues

- 10.19 Both foul sewage and surface water were initially indicated to be disposed of by mains drainage. Mains drainage is generally the least sustainable option but it is considered that as it relates principally to the conversion of an existing building it would not materially add to water run-off and is judged acceptable.
- 10.20 Following consultation response from both Yorkshire Water and the Council's flood management drainage Officer, the proposals have been amended to continue the existing surface water discharge into an existing culvert shown on drawing no. 16/D03/19A. This would be in accordance with the advice given by Yorkshire Water which states *“consideration should be given to surface water disposal to a culverted watercourse which is understood to be located adjacent to the site, prior to the public sewer”*.

- 10.21 Additional information in the form of drainage calculations has also been provided, which is currently being considered by the drainage Officer. An update on this matter will be reported in the committee update or at the meeting.

Representations

- 10.22 Adequacy of bin storage facilities and width of path

Response: plans have been amended to address this and the Area Manager from Streetscene has confirmed the revised details are acceptable

- Loss of sun light currently received to nos. 1,2 and 3 Fisher green from the proposed detached garage.

Response: The distance from the proposed garage to these properties ranges from approximately 15m to 16m. The garage block would be single storey with pitch roof with an overall height of approximately 2.50m to the eaves and 4.30m to the ridge. To accommodate the garage this would result in the removal of the dense hedge and given the separation distance to be retained it is considered the impact on the light currently received by these properties would not be a significantly affected that would warrant a refusal.

- Loss of sun light to no. 6 Fisher Green

Response: The distance from no.6 to the proposed building would be significantly increased in comparison to the distance to the existing building. As such the impact on the light currently received by this would not be detrimentally affected by the proposed development.

- Highway concerns and lack of on street parking
- Existing inconsiderate parking on pavement
- three storey building not in keeping with the area
- design and appearance not in keeping with the area
- lack of parking and garage sizes only to accommodate “modern European family cars”

Response: the above concerns have been considered and addressed in main body of this report.

- Gates opening onto road from proposed access

Response: the proposals do not include gates at the entrance of the driveway

- Clarity is sought on the siting and footprint of the garage and as to whether this would be up against the site boundary

Response: the garage would be sited up against the south east corner of the site and result in the removal of the existing hedge.

- The potential length of time and delays which could occur to complete the development and impact on the neighbouring development from these delays
- Response: The time taken to complete the development cannot be conditioned or controlled through the planning remit. However, to minimise noise disturbance at nearby premises it is generally recommended that activities relating to the erection, construction, alteration, repair or maintenance of buildings, structures or roads shall not take place outside certain hours. A note to this effect will be included on the decision notice should Members approve the application.

Planning obligations

- 10.23 The application is accompanied with a viability appraisal. This has been reviewed independently on behalf of the Council. The assessor concludes “that the proposed scheme is not viable as it is and to include a contribution for affordable housing it will make the scheme less viable”. In light of this no affordable housing contribution would be sought.
- 10.24 Due to the size of the site and number of units proposed, this does not trigger the provision for education or POS contributions.

Other Matters

- 10.25 This site is on the Councils system as potentially contaminated due to present/past industrial uses. Environmental Health Officers advise the Phase I (Desk Top Study) submitted (RGS Ltd September 2011 Ref J1967/11/EDS) is now out of date and was produced for a residential development site with gardens to the East of this site (now developed). None of the RGS text refers to this current site but again to the developed site to the north.
- 10.26 On the basis of the above Environmental Health officers recommend a Phase I report in relation to the application site along with the risk assessment based on the past/present and proposed use/s of this site should be submitted. This can be conditioned as part of any consent granted along with remediation and validation strategy /reports. The agent/applicant is amenable to this and accepts this would be pre- commencement conditions .
- 10.27 Although there are no known Air Quality issues in this specific location, in order to improve Air Quality throughout Kirklees a condition can normally be imposed to provide electric charging points to promote the use of electric vehicles. This is in accordance with paragraph 124 of the NPPF which requires the cumulative impacts on air quality from individual sites to be considered. A condition to this effect will be included.
- 10.28 Finally, it is indicated to provide a disabled access to all dwellings via ramped or stepped access to the primary entrance doors to each unit in accordance with the current Building Regulations

11.0 CONCLUSION

- 11.1 The change of use of employment land to a residential use is considered to be acceptable when assessed against the criteria in UDP policy B4. The proposals would help provide housing in the borough and design would help improve the character and quality of the area whilst safeguarding residential amenity and highway safety. The proposed development will remove an incompatible use from a predominantly residential area with all other relevant matters considered capable of being dealt with through conditions.
- 11.2 The overall benefits of the proposals would provide:
- additional housing,
 - remove external plant storage and noise nuisances from the existing industrial use, to the nearby residential uses
 - redevelopment of a brownfield site which officers consider would preserve the setting of the nearby listed building and street scene, and
 - enable the existing business to relocate within the district to other more suitable premises
- 11.3 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.
- 11.4 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 Development Management)

1. 3 year Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of materials
4. Landscape scheme
5. Condition development to be completed in accordance with sections provided showing relationship with neighbouring properties
6. Vehicle parking areas to be surfaced and drained in accordance with details to be submitted
7. A scheme detailing the footway to be provided along Fisher green and widened footway along Meltham Road
9. Bin storage area to be provided prior to occupation of development in accordance with revised plan
10. Details of drainage proposals to include proposed means of disposal of surface water drainage, any balancing works and off-site works
11. Pre commencement condition requiring an updated Phase 1 along with remediation and validation strategy /reports

12. Provision of electric vehicle charging points

Background Papers:

Application and history files as noted above under section 4.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2016%2f92812>

Certificate of Ownership –Certificate A signed by the agent