



**PLANNING SUPPORTING STATEMENT IN SUPPORT OF
OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT
(INCLUDING DEMOLITION OF EXISTING BUILDINGS)**

**LAND AT VFM COATINGS LTD, OSSETT LANE,
EARLSHEATON, DEWSBURY**

VFM PRODUCTS LTD

AUGUST 2017

CONTENTS

- 1.0 INTRODUCTION

- 2.0 THE SITE, PROPOSAL AND BACKGROUND

- 3.0 PLANNING POLICY
 - 3.1 Local Planning Policy
 - 3.1.1 Unitary Development Plan Review
 - 3.2 Central Government Policy Advice
 - 3.2.1 The National Planning Policy Framework

- 4.0 ISSUES
 - 4.1 The Development Plan
 - 4.2 Other Material Considerations
 - 4.2.1 Housing Land Supply
 - 4.2.2 The Weight to be Attached to UDP Policy
 - 4.2.3 Highways
 - 4.2.4 Bats
 - 4.2.5 Flood Risk / Drainage
 - 4.2.6 Contamination
 - 4.2.7 Residential Amenity

- 5.0 CONCLUSION

1.0 INTRODUCTION

This application, which is submitted in outline, seeks planning permission for residential development on the site of VFM Coatings Ltd, Ossett Lane, Earlsheaton.

The application is supported by the following information:

- (i) Illustrative layout and elevation plans – Fox Architecture and Design;
- (ii) Planning Support Statement – Townsend Planning Consultants.
- (iii) Highways Report – Paragon Highway Consultants Ltd;
- (iv) Bat Report – Middleton Ecological Consultancy;
- (v) Phase I Contamination Risk Assessment – ARP Associates;
- (vi) Flood Risk and Drainage Statement – ARP Associates; and
- (vii) Site Survey – Stamford Geomatics.

This statement is submitted in support of the application and to provide the Council with full information to aid the authority in the discharge of its development control function.

This statement deals with issues of planning policy and government guidance. The other technical documents submitted provide a fully considered scheme and address all technical issues.

Overall, it is considered that this proposal which forms sustainable development is wholly acceptable when judged in the context of the

Development Plan and all material considerations (including the National Planning Policy Framework).

It is noted that the Council currently do not have a five year land supply. This site can usefully assist in providing much needed housing in a sustainable area. This matter should be weighed heavily in favour of the proposal. It is also considered that little weight can be given to the Council's Employment Policy for the reasons set out in this statement.

This statement now proceeds to outline the details of the site and the proposal, following which Government Guidance and Development Plan Policy is considered. The various issues that the proposal raises are then considered in detail. Finally, the conclusion is drawn that the proposal is acceptable in the context of the Development Plan and all relevant material considerations.

2.0 THE SITE, PROPOSAL AND BACKGROUND

The subject site extends to some 0.25 hectares or thereabouts. It is located at the junction of Town Street and Ossett Lane, Earlsheaton. The site has a longstanding use for industrial purposes and incorporates a number of buildings within the site. The site abuts residential development to the west, east and south and currently has three separate vehicular accesses (two onto Ossett Lane and one to Town Street).

Owing to the current and previous uses, the site would be classed as brownfield. It is wholly located within the confines of the settlement and is a short walk from local schools, shops and other services. It is also on a well served public transport route and is in a sustainable urban location.

The site has a longstanding commercial use and has been used as satellite premises to the site owners for the last year and currently employs four full-time staff. Owing to changes in the working practices of the company and to rationalise production and distribution, these satellite premises are no longer suitable for the functioning of the business and it has been determined to rationalise the business by relocating the jobs to the company headquarters. It will be noted that no jobs will be lost. Furthermore, it is also considered that in the redevelopment of this site it will raise finance for further investment in the company headquarters.

It will be noted that the Council do not meet their five year housing land supply requirements and it is considered that this site can be

brought forward to provide development in a sustainable location to provide housing that the district requires. It is considered that the following issues are fully addressed in this submission:-

- (i) Policy B4 – land with established employment use is fully addressed in this submission and it is demonstrated that limited weight can be given to that policy;
- (ii) The NPPF encourages development of previously used land and wider regeneration benefits that result; and
- (iii) The site falls below the threshold for affordable housing by reference to the National Planning Practice Guidance.

The application is supported by a number of technical reports which demonstrate that a development can be achieved which meets with the Council's standards and addresses all the technical issues. It is also demonstrated that the proposal will bring significant highway improvements.

Overall, the proposal constitutes sustainable development and will assist in the Council meeting its housing land supply shortfall.

3.0 PLANNING POLICY

3.1 Local Planning Policy

The Development Plan consists of the saved policies of the Kirklees MDC Unitary Development Plan (adopted in March 1999). Clearly, given the age of the document, the weight that can be given to such policies is limited unless they are consistent with the NPPF.

The site is unallocated in the UDP.

3.1.1 Unitary Development Plan Review

The following policies are relevant to the consideration of this application:-

(i) Policy D2

Policy D2 states:

“PLANNING PERMISSION FOR THE DEVELOPMENT (INCLUDING CHANGE OF USE) OF LAND AND BUILDINGS WITHOUT NOTATION ON THE PROPOSALS MAP, AND NOT SUBJECT TO SPECIFIC POLICIES IN THE PLAN, WILL BE GRANTED PROVIDED THAT THE PROPOSALS DO 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 SURROUNDINGS;**
- (VIII) WILDLIFE INTERESTS; AND**
- (IX) THE EFFICIENT OPERATION OF EXISTING AND PLANNED INFRASTRUCTURE.”**

It is considered that this proposal would not prejudice proposals of the Plan and would not constitute over-development. Conservation of energy measures can be included (which can be dealt with by condition). Highway safety will be improved. Residential amenity of both future occupiers and adjacent dwellings would be safeguarded. Visual amenity of the site will be improved in terms of both the site and the character of surroundings. The proposal does not conflict with wildlife interests and the proposal fits in with existing infrastructure being located within the built-up settlement.

(ii) Policy B4

Policy B4 states:-

“PROPOSALS INVOLVING THE CHANGE OF USE OF PREMISES AND SITES WITH ESTABLISHED USE, OR

LAST USE, FOR BUSINESS AND INDUSTRY WOULD BE CONSIDERED HAVING REGARD TO:-

- (I) THE SUITABILITY OF THE LAND AND PREMISES FOR CONTINUED BUSINESS AND INDUSTRIAL USE;**
- (II) THE AVAILABILITY OF BUSINESS AND INDUSTRIAL PREMISES OF EQUIVALENT QUALITY;**
- (III) THE NUMBER OF JOBS LIKELY TO BE CREATED OR MAINTAINED;**
- (IV) THE COMPATIBILITY OF PROPOSED USE WITH THE SURROUNDING USES;**
- (V) THE EFFECT ON THE FUTURE OPERATIONAL FLEXIBILITY OF NEIGHBOURING BUSINESSES;**
- (VI) THE EFFECT ON ANY BUILDINGS ARE ARCHITECTURAL OR HISTORIC INTEREST;**
- (VII) THE EFFECT ON LOCAL AMENITY;**
- (VIII) THE EFFECT ON LOCAL HIGHWAY NETWORK;**
- (IX) THE POTENTIAL FOR THE SITE TO BE SERVED BY RAIL OR WATER FOR THE TRANSPORT OF FREIGHT.”**

Clearly, this policy does provide flexibility and does not preclude the reuse of such employment sites for other purposes. In terms of the subject site, it will be noted that it is not considered suitable for its current use in that:-

- (i) The site is highly constrained by its location adjacent to residential properties and such use is incompatible with the adjacent land uses;

- (ii) There will be no loss of jobs;
- (iii) The proposed use is wholly appropriate to adjacent uses;
- (iv) The changes form part of a rationalisation of the existing business to the benefit of that business; and
- (v) It will be of major benefit to highway safety.

In the supporting text to the policy, it states:-

“Many industrial areas exhibit severe environmental problems associated with obsolete and unused buildings, cleared sites, lack of space for heavy good, vehicles to manoeuvre load and unload, lack of parking and disturbance to residents of neighbouring housing.”

This is exactly the position in this instance.

Furthermore, in any event it is considered the weight to be attached to this policy is considered to be limited (see Section 4.2.2 below).

(iii) Policy BE1

“ALL DEVELOPMENTS SHOULD BE OF GOOD QUALITY DESIGN SUCH THAT IT CONTRIBUTES TO A BUILT ENVIRONMENT WHICH:-

- (I) CREATES OR RETAINS A SENSE OF LOCAL IDENTITY;***
- (II) IS VISUALLY ATTRACTIVE;***

- (III) PROMOTES SAFETY INCLUDING CRIME PREVENTION AND REDUCTION OF HAZARDS TO HIGHWAY USERS;**
- (IV) PROMOTES HEALTHY ENVIRONMENT; INCLUDING SPACE AND LANDSCAPING ABOUT BUILDINGS AND AVOIDANCE OF EXPOSURE TO EXCESSIVE NOISE OR POLLUTION.**
- (V) IS ENERGY EFFICIENT IN TERMS OF BUILDING DESIGN AND ORIENTATION AND CONDUCIVE TO ENERGY EFFICIENT MODES OF TRAVEL IN PARTICULAR WALKING, CYCLING, USE OF PUBLIC TRANSPORT.”**

The proposal will provide a good quality housing development which will not detract from the local identity of the area and will be visually attractive. The proposed scheme, by virtue of design and layout, will ensure that safety and crime prevention measures are incorporated. The proposal does not raise any new highway issues and will result in highway improvements. In terms of a healthy environment, there is clearly sufficient space around the buildings and landscaping measures can be incorporated. The site is in a sustainable urban location.

(iii) Policy BE2

“NEW DEVELOPMENT SHOULD BE DESIGNED SO THAT:-

- (I) IT IS IN KEEPING WITH ANY SURROUNDING DEVELOPMENT IN RESPECT OF DESIGN,**

- MATERIALS, SCALE, DENSITY, LAYOUT, BUILDING HEIGHT OR MASS;**
- (II) THE TOPOGRAPHY OF THE SITE (PARTICULARLY CHANGES IN LEVEL) IS TAKEN INTO ACCOUNT;**
- (III) SATISFACTORY ACCESS TO EXISTING HIGHWAYS CAN BE ACHIEVED;**
- (IV) EXISTING AND PROPOSED LANDSCAPE FEATURES INCLUDING TREES ARE INCORPORATED AS AN INTEGRAL PART OF THE PROPOSAL.”**

It is considered that the proposal will not be out of place in terms of details such as materials, scale or density in such as mixed use area. The juxtaposition of development around the site has been taken into account in the proposed layout. Satisfactory access can be achieved and a landscaping scheme will be incorporated which no doubt can be dealt with by condition.

- (iv) Policy BE12

BE12 states:-

“NEW DWELLINGS SHOULD BE DESIGNED TO PROVIDE PRIVACY AND OPEN SPACE FOR THEIR OCCUPANTS, AND PHYSICAL SEPARATION FROM ADJACENT PROPERTY AND LAND. THE MINIMUM ACCEPTABLE DISTANCE WILL NORMALLY BE:-

- (I) 21M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A HABITABLE ROOM WINDOW OF A FACING DWELLING;**
- (II) 12M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND A BLANK WALL OR A WALL CONTAINING A WINDOW OF NON HABITABLE ROOM;**
- (III) 10.5M BETWEEN A HABITABLE ROOM WINDOW OF A DWELLING AND THE BOUNDARY OF ANY ADJACENT UNDEVELOPED LAND; AND**
- (IV) 1.5M BETWEEN ANY WALL OF A NEW DWELLING AND THE BOUNDARY OF THE ADJACENT LAND (OTHER THAN A HIGHWAY).**

DISTANCES LESS THAN THESE WILL BE ACCEPTABLE IF IT CAN BE SHOWN THAT BY REASON OF PERMANENT SCREENING, CHANGES OF LEVEL OR INNOVATIVE DESIGN NO DETRIMENT WOULD BE CAUSED TO EXISTING OR FUTURE OCCUPIERS OF THE DWELLING OR ANY ADJACENT PREMISES OR POTENTIAL DEVELOPMENT LAND WHICH MAY AFFECT IT.”

As shown on the submitted plans, this proposal conforms to the general approach adopted in terms of space about building standards.

The supporting text states:-

“A reasonable amount of space should be provided around new dwellings in the interests of the amenity of future residents and to prevent over looking and undue loss of privacy to any existing residents.”

At 4.27 it goes on to state:-

“The Council is aware that in many cases a pragmatic approach can be taken in respect of space requirements within residential areas. In many cases where infill development is proposed it may be reasonable to accept existing space standards within the immediate locality if this ensures the privacy or amenity of existing residents if not detrimentally affected. “

3.2 Central Government Policy Advice

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the application in accordance with the statutory development plan (insofar as it is material to the application) unless material considerations indicate otherwise. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship of the policies of the plan to one another and to Government guidance, principally through the NPPF and retained circulars.

3.2.1 National Planning Policy Framework

In the Ministerial Forward to this advice, it states:-

“Development that is sustainable should go ahead, without delay – presumption in favour of sustainable development that is the basis for every plan, and every decision.”

At Para 7 in respect of achieving sustainable development, it states:-

“There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- ***An economic role – contributing to building a strong responsive and competitive economy....***
- ***A social role – supporting strong vibrant and healthy communities by providing the supply of housing required to meet the needs of the present and future generations; and by creating a high quality built environment with accessible local services that reflect the communities needs and support its health, social and cultural wellbeing.”***
- ***An environmental role – contributing to protecting and enhancing our natural built and historic environment.”***

At Para 13, the role of the NPPF states that the advice contained therein constitutes guidance for local planning authorities and decision takers both in terms of preparing plans for development and being a material consideration in determining planning applications.

Para 14 states:-

“At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking...”

For the decision taking this means:-

- ***Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:***

- ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole; or***
- ***specific policies in this framework indicate development should be restricted...”***

(TPC underlining).

It is considered that in the context of the lack of a five year housing land supply, relevant policies which constrain housing land supply can be reasonably considered to be out of date.

Para 17 sets out the core principles of planning, which include:-

“Proactively drive and support sustainable economic development to deliver homes...”

- ***Always seek to secure high quality design and good standard of amenity for all existing and future occupants of land and buildings;***
- ***Take account of and support local strategies to improve health, social and cultural wellbeing for all....”***

Para 22 is particularly relevant when considering the Council’s approach to sites in or last used for employment purposes (Policy B4)

“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

At Para 34 with regard to sustainable transport, the advice states:-

“Plans and decisions should ensure development that generates significant movements are located where the need to travel will be minimised and the use of sustainable transport nodes can be maximised.”

Section 6 relates to delivering a wide choice of high quality homes.

At Para 49 it states:-

“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 LPA cannot demonstrate a five year supply of deliverable housing sites.”

The Council fully acknowledge that it does not have a five year housing land supply and this issue must weigh heavily in favour of the submitted proposals.

At Para 50 the advice goes on to set out the approach authorities should take:-

“To deliver a wide choice of high quality homes, wider opportunities for home ownerships and create sustainable inclusive and mixed communities.”

With regard to achieving good design, at Para 56 the advice states:-

“Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.”

Para 57 goes on to state:-

It is important to plan positively for the achievement of high quality and inclusive designs for all development...”

With regard to decision taking, at Para 186 it states:-

“Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development.”

At Para 197 the advice states:-

“In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

It is considered that there is no conflict with the NPPF and that the presumption inherent in respect of sustainable development should be weighed in the applicants' favour.

4.0 ISSUES

4.1 The Development Plan

The starting point for the consideration of this application in the context of Section 38(6) is the Development Plan.

It will be noted that the policies of the Development Plan pre-date the National Planning Policy Framework and are somewhat out of step with current up to date guidelines.

It is clear by reference to the NPPF that the Council's policies on housing land supply are no longer relevant. It is also considered that other policies of restraint carry little weight for the reasons set out below.

It is considered that there are no policies in the development plan which would preclude development of the site.

4.2 Other Material Considerations

It is considered that in the context of the other material considerations, this clearly points to the grant of planning permission.

4.2.1 Housing Land Supply

At para 49 of the NPPF, it outlines that housing applications should be determined in the context of the presumption in favour of

sustainable development and that policies for the supply of housing should not be considered up-to-date if the LPA does not have a five year land supply of deliverable sites. This should weigh heavily in favour of the proposal.

4.2.2 The Weight to be Attached to Policy B4

The decision taken in the Hopkin Homes and Richborough Estates judgment (2016) EWCA Civ 168) considered relevant:

“If a local planning authority is unable to demonstrate the requisite five-year supply of housing land, both the policies of its local plan that identify sites for housing development and policies restrictive of such development are liable to be regarded as ‘not up-to-date’ under paragraph 49 of the NPPF – and –‘out-of-date’ under paragraph 14. Otherwise government policy for the delivery of housing might be undermined...” TPC underlining.

4.2.3 Highways

A Highways Statement is submitted with this application. There will be benefit to the issue of highway safety.

4.2.4 Bats

A detailed Bat Report is submitted to demonstrate that the proposal will not harmfully impact on any ecological interests.

4.2.5 Drainage / Flood Risk

An indicative Drainage Scheme and Statement is submitted.

4.2.6 Contamination

A Phase I Contamination Risk Assessment is submitted with this application.

4.2.7 Sustainability

The site is located close within a sustainable location with schools, shops, services and public transport close to hand

4.2.8 Residential Amenity

It is considered that there will be significant benefit to residential amenity through the redevelopment of this site and removal of industrial uses.

5.0 SUMMARY / CONCLUSION

This application seeks to establish the principle of the redevelopment of this site for residential purposes. The decision taken to explore the possibility of the development of the site forms part of an ongoing rationalisation of the applicant's business. It is considered that there will be a number of benefits to the redevelopment including highway safety and residential amenity of adjoining residents. At the same time, the proposal will not result in the loss of any jobs.

It is acknowledged that the Council have a policy which seeks to retain employment uses. However, that policy is flexible and recognises that other uses can come forward. In any event, it is considered that there should be little weight given to the subject policy in the context of the Council's lack of a five year land supply. It is clear in such circumstances that policies of restraint should be given little weight. It is also clear in the context of the NPPF para 14 that the policy can be considered to be out of date.

The redevelopment of this site will assist in the Council providing much needed housing in a highly sustainable urban location.

It is considered in the light of the Development Plan and all materials considerations that planning permission should be forthcoming. Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the Council.