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PLANNING STATEMENT

RESIDENTIAL DEVELOPMENT

(SEVEN DWELLINGS)

AT

STATION ROAD

MELTHAM

HD9 4NL

JANUARY 2019

Introduction

This Planning Statement has been prepared to support a full planning application for residential development (seven dwellings) at Station Road, Meltham.

Site context

The site is situated on the east side of Meltham approximately 1 km from the town centre, and 6 km southwest of Huddersfield.

The application site is accessed from Station Road, which is an access road (approximately 500m in length) that serves a small number of residential properties, and a small cluster of commercial and light industrial properties.

The application site consists of open land, and contains an area of grassland with levels rising towards the northwest side of the site. It contains a mix of boundary treatments including dry stone walling to the west, northwest, and to the north; dense vegetation and dilapidated buildings to the east; and a mix of dry stone walling, dense vegetation, and timber fencing to the south. The site is generally bounded by farming land and Meltham Greenway to the north and west, light industrial buildings to the east, and Station Road to the south.

The site is part of a wider area of land allocated as Provisional Open Land (POL) in the Kirklees Unitary Development Plan (UDP), which remains the local plan for the area prior to its replacement by the Kirklees Local Plan (LP). The remainder of the POL allocation lies to the north and south-west of the site.

Planning history

There have been two previous planning applications on this site.

2014/91714 - Erection of 2 dwellings and widening, surfacing and lighting to Station Road - approved 11 November 2014

2016/90103 - Discharge of conditions re above - approved 8 July 2016

2018/93354 - outline residential development (eight dwellings) - application withdrawn

Planning policy

NB. All bold text is author's emphasis

National planning policy guidance is provided by the Revised National Planning Policy Framework (NPPF) 2018.

This policy guidance proposes, as one of its core themes, a presumption in favour of sustainable development. Paragraph 2 states that –

2. ***Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.*** *The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.*

Paragraphs 10-11 state that -

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a ***presumption in favour of sustainable development*** *(paragraph 11).*

11. ***Plans and decisions should apply a presumption in favour of sustainable development.***

For plan-making this means that:

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
ii. 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.

For decision-taking this means:

c) ***approving development proposals that accord with an up-to-date development plan without delay****; or*

d) ***where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission*** *unless:*
i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii. 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.

Paragraph 12 continues -

12. ***The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.*** *Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted.* ***Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.***

Also of relevance to this application are paragraphs 47-50 -

47. ***Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise****. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.*

48. ***Local planning authorities may give weight to relevant policies in emerging plans*** *according to:*

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

49. However in the context of the Framework – and in particular the presumption in favour of sustainable development – ***arguments that an application is premature are unlikely to justify a refusal of planning permission*** *other than in the limited circumstances where both:*

a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and

b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

In Section 5 “Delivering a sufficient supply of homes”, paragraph 59 states that –

59. To support the Government’s objective of significantly boosting the supply of homes, ***it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay****.*

In “Identifying land for homes”, paragraph 68 states -

68. ***Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quick-***

***ly**. To promote the development of a good mix of sites local planning authorities should:*

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

*c) **support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes**; and*

d) *work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.*

In "Maintaining supply and delivery", paragraph 74 states -

*74. **A five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement** which:*

a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and

b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.

In Section 11 Making effective use of land", in order to achieve appropriate housing densities, paragraph 122 states -

*122. **Planning policies and decisions should support development that makes efficient use of land**, taking into account:*

a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;

b) local market conditions and viability;

c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;

d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed, attractive and healthy places.

Local planning policy guidance is provided by the Kirklees UDP which was adopted in March 1999. As a result of a Direction issued by the Secretary of State for Communities and Local Government, from the 28th September 2007 some of the policies in the UDP continue to have effect (saved policies) until the emerging LP is adopted. As the emerging LP has now been the subject of final consultations, it is held that considerable weight should be given to draft allocations and policies contained within the draft LP.

The site is identified on the UDP Proposals Map as 'Provisional Open Land' (POL) under Policy D5. This policy states that:

"On sites designated as provisional open land planning permission will not be granted other than for development required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of development in the longer term."

Also within the UDP, policies BE1, BE2 and BE12 concern design and amenity issues. Policy BE1 states that -

"All development 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 a 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 and use of public transport."
Policy BE2 states that -

"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; and
iv existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal."

Policy BE12 states that -

"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 distances will normally be:

- *i 21.0m between a habitable room window of a dwelling and a habitable room window of a facing dwelling;*
- *ii 12.0m between a habitable room window of a dwelling and a blank wall or a wall containing the window of a 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 any 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 in level, or innovative design, no detriment would be caused to existing or future occupiers of the dwellings or any adjacent premises or potential development land which may be affected.

Policy T10 of the UDP considers the highway and accessibility issues in new development -

"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, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected

to incorporate appropriate highway infrastructure designed to meet relevant safety standards".

With regard to the emerging LP, the site is proposed to be allocated as "land without notation" ie the land is not specifically allocated for residential development as part of the LP. As such, the site is considered to be a "windfall" site. In the draft LP Strategy and Policies Document (SP), policy PLP3 states that -

Location of new development

Development proposals will be required to reflect the Spatial Development Strategy, Policy PLP1 Achieving Sustainable Development and Policy PLP2 Place Shaping.

This means:

1) Development should reflect:
a. the settlement's size and function; and
b. place shaping strengths, opportunities and challenges for growth; and
c. spatial priorities for urban renaissance and regeneration; and
d. the need to provide for new homes and jobs;

2) ***Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way,*** *taking account of the following criteria:*
a. delivering the housing and job requirements set out in the local plan;
b. ***the need to maintain a supply of specific deliverable sites, in accordance with national policy and enabling the delivery of allocations set out in the local plan*** *or in Neighbourhood Plans;*
c. ensuring that opportunities for development on brownfield (previously developed) sites are realised early in the plan, subject to maintaining a five year supply of housing land and to delivering the overall housing and jobs requirements;
d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs;
e. ensuring that proposals have regard to connecting links to existing green and blue infrastructure networks;
f. co-ordinating housing and employment land delivery with the provision of new infrastructure.
g. providing access to a range of transport choices and access to local services.

In para 6.8 that supports the above policy it states that -

Allocations in the local plan are made in accordance with the spatial development strategy. ***However, windfall development (that is development not specifically allocated in the local plan) will firstly need to be considered against this policy to assess whether development proposals are in line with the Spatial Development Strategy of the plan, reflecting the place shaping characteristics of the sub-areas and delivering the vision and objectives as set out in the plan. Whilst the majority of housing and employment growth is anticipated to come forward on sites of 0.4 hectares or above housing delivered on windfall sites will also make an important contribution. This is made up of housing sites with an area of less than 0.4 hectares*** *and larger sites coming forward on an ad-hoc basis, such as older employment sites being redeveloped for housing.*

In Appendix 1 "Replacement Unitary Development Policies", it states that Policy D2 (Land without notation) will be replaced by LP Policy PLP24 "Design". This policy states -

Design

Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.

Proposals should promote good design by ensuring:
a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;
c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
d. high levels of sustainability through:
i. the re-use and adaptation of existing buildings, where practicable
ii. design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;
iii. using innovative construction materials and techniques, including reclaimed and recycled materials

iv. minimising resource use in the building by orientating buildings to utilise passive solar design, incorporating vegetation and tree planting to assist heating and cooling and providing for the use of renewable energy;
v. encouraging the use of electric and low emission vehicles by providing charging points;
vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;
vii. designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;
viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident / user.
e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;
f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;
g. any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;
h. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;
i. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and
j. the provision of public art where appropriate.

The proposed development should therefore be assessed against the relevant national and local planning policies identified above, and any other relevant material considerations.

Planning policy appraisal

In terms of the principles of development, it is contended that the proposed scheme should be assessed firstly in the context of policies contained within the current development plan and secondly by policies contained within the emerging LP.

With regard to the current development plan, the Kirklees UDP, it is held that the Council cannot currently demonstrate a five year supply of deliverable housing sites for the purposes of paragraph 74 of the Revised NPPF. As a result, the relevant policies for the supply of housing contained in the development plan are not considered to be “up-to-date” and thus UDP policy D5 and any arguments in this regard should therefore properly be set aside. In addition, the proposed development is argued to be in a highly sustainable location, given that the services and facilities of Meltham village centre are within easy walking distance and that the site lies on a well-frequented public transport route, thereby meeting the requirements for “sustainable development”.

The proposed development meets the requirements of the Revised NPPF in that it represents highly sustainable development and there are no adverse impacts of approving development that would significantly and demonstrably outweigh the benefits. There are no specific polices in the NPPF that indicate that development should be restricted.

With regard to the emerging LP, this should be given considerable weight in the decision-making process and so Policy PLP24, which replaces UDP policy D2 (“land without notation”), is engaged as the land is likely to change designation from POL to “land without notation”. It is contended that, for the reasons set out below in the “Scheme appraisal” section, the proposed development meets the criteria of policy PLP24 and is therefore acceptable in detail as well as principle.

The policies within the UDP on design, amenity and highway safety are, however, considered to be up-to-date and the proposed development, in this regard, should also be assessed via the current development plan policies. An appraisal of the proposed development in respect of these policies is also contained within the section below.

It is contended that the principle of development on this site has been established by virtue of the previous planning permission for residential development in 2014. Whilst planning policy has changed since that permission, by reason of a revised NPPF and emerging LP policies, it is held that there are no policies within either the NPPF or

the emerging LP that would render the proposed development unacceptable in principle.

It is further held that the proposed scheme for seven units on this site makes a far more efficient use of the land than the previously consented scheme for two units, in line with paragraph 122 of the NPPF.

It should be noted that the previous application was withdrawn following discussions with the case officer in terms of the number of units to be provided. The applicant agreed with the case officer that a reduction of one unit would allow more space between buildings and allow for some car parking to be located at the side of dwellings. This would present a more open frontage to the development and create

It should also be noted that planning permission was granted for four dwellings on land adjacent to the application site directly to the south-west (2015/92638 - approved 2 March 2016). This permission gives further weight to the appropriateness of the site for residential development and any permission granted for the current application would not stymie development on the adjacent site.

Scheme appraisal

Seven dwellings are to be accommodated within the site, served from the existing access road to Huddersfield Road.

Layout, scale, appearance, and landscaping

The site will consist of seven four-bed detached houses. Four units to the east of the site will have two storeys to the front and rear, whilst three units to the west of the site will have three storeys to the front and two storeys to the rear (in order to fit in with the sloping topography of the site).

The amount of liveable ground floor accommodation has been maximised as far as possible (given economic limitations) in order that the ground floor areas fronting Station Road can be as “light” as practicable.

All dwellings will be built from natural stone and artificial slates. Rainwater goods and windows will be black uPVC, with timber-effect composite doors. Boundary treatments will mainly consist of a 1.8m close boarded fence. New tree and shrub planting is proposed.

All dwellings will front onto Station Road and each will have access directly onto the road. Two of the two storey houses have 2 car parking spaces to the front and a

single garage down the side of the house located between the two houses in a detached block. The other two two storey houses have 2 car parking spaces to the front and an integral garage. The 3 storey units all have 2 car parking spaces to the front and a 1½ size garage. A turning facility for refuse vehicles etc will be provided at the south-west of the site (this turning arrangement is shared with the approved four unit scheme described above). Bin collection points for each property are also provided.

Therefore, with regard to the relevant sections of PLP24, the form, scale, layout and details of the proposed development are considered to respect and enhance the character of the area and to provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.

The proposed scheme is also held to meet the requirements of policies BE1, BE2, and BE12 of the UDP, as the proposed development is considered to create a sense of local identity and is visually attractive by means of good design, scale, and layout, and the appropriate use of materials, taking into account the site's topography.

Access and highway issues

With regard to highway and access issues, the planning application is supported by a comprehensive and fully detailed Highway Statement and this document should be read in conjunction with this Planning Statement. In short, the conclusion to the Highways report states that "……there are no highway safety or efficiency reasons why planning consent for the proposed development should not be granted…." (paragraph 7.3).

The proposed access/turning arrangement will be sufficiently wide enough to provide a turning facility to accommodate a large vehicle so that these vehicles can enter and exit the site access and Station Road in a forward gear. The proposals also include for the provision of carriageway widening and a footway along the site frontage to Station Road. Additional street lighting will also be provided along the new footway.

Landscaping

The proposed scheme contains information on retaining walls and the landscaping of the site.

It should be noted that the previous application attracted the need for Public Open Space (POS) provision (based on a site area in excess of 0.4ha). This threshold is not replicated in the Local Plan and so it is argued that a scheme of seven units should not attract POS. However, if the LPA consider this not to be the case, a Financial Viability Assessment (FVA) has been provided to support the application to

demonstrate that the requirement for Local Area Play (LAP) provision will render the proposed scheme economically unviable.

Other material planning considerations

An ecological report has also been submitted to support the application and the conclusion of this report is that the site has little merit in terms of habitat importance and species diversity and there are no species of any significant importance. It is recommended that the stream is protected against surface run-off and that the inclusion of bat roost features and the sympathetic landscaping of the development will provide some compensation for any loss of habitat and will encourage species to continue to use the site. Areas of similar habitat style and quality will remain to the north of this site post-development.

Further reports in terms of a Phase II contamination report, a Flood Risk Assessment, a Drainage plan, and soakaway reports have also been submitted in support of the application and indicate that the proposed development can be satisfactorily accommodated within the site.

Conclusion

It is concluded that the proposed scheme represents a highly sustainable development in the popular residential location of Meltham.

It is contended that the Council cannot currently demonstrate a five year supply of deliverable housing sites for the purposes of the NPPF and therefore the proposed sustainable development should be granted permission as there are no adverse impacts to the proposal and there are no other policies in the NPPF that indicate that development should be restricted.

Furthermore, the proposed development complies with all relevant current development plan and emerging Local Plan policies in terms of design, amenity and highways. The individual designs of the properties are of good architectural quality and of a highly sustainable construction and, in terms of highways, there are there are no highway safety or efficiency reasons that would undermine the scheme.

Therefore, it is held that planning permission should be capable of being granted for the proposed development without delay subject to appropriate conditions.