

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

31 MARCH 2021

Planning Application 2020/93358

Item 8 – Page 25

Erection of 52 dwellings

Land east of, Abbey Road, Shepley, Huddersfield, HD8 8FG

1. Receipt of amended plans and information:

Since the publication of the planning committee report the Council have received the following amended plans and drawings (which are on the website):

- Planning Layout – Phase 2, Reference: 1914-SI-22G, Dated: September 2020
- Masterplan / Phase 2 Proposals, Reference: 1914-MP-01K, Dated: January 2020
- Refuse Tracking Plan – Phase 2, Reference: 1914-SI-25D, Dated: February 2021
- Enclosure Plan – Phase 2, Reference: 1914-SI-23D, Dated: September 2020
- Open Space Plan, Reference: 1914-MP-26E, Dated: August 2020
- House Type Booklet, Reference: 1914-HT-02 Revision B, Dated September 2020
- Phase 1 & 2 Composite Layout, Reference: 1914-MP-01K, Dated: January 2020
- Planning Layout – Phase 2, Reference: 1914-SI-22G, Dated: September 2020
- Schedule of Accommodation

Officer response: The changes have been made primarily in response to discussions with Highways Development Management and Highways Section 38. The main changes include the provision of visitor parking spaces, with 2 off-road spaces now opposite plot 32 (with a change in public open space from of 236sqm - 202sqm) and one off-road space opposite plot 45; the estate road has been slightly widened with improved forward visibility at plot 60; and a 3m wide footpath link to the Knowle that connects across the grass verge.

The applicant has also amended the site layout plan with substituted detached dwelling houses found at plots 32, 35, 57, 58, 60 and 65. The number of units on the site is unchanged but two 4 bed units are changing to 3-bed units. The mix is acceptable. All of the units would still exceed Nationally Described Space Standards.

Officers consider that the changes made are acceptable to create the necessary space for the improvements to the highway. In addition, the proposed changes would not have any adverse impact on visual or residential amenity.

2. Neighbour representation:

A response has been received by the adjacent landowner who owns land within the same housing allocation (HS203) which has yet to come forward for development. Concerns have been raised that clause 7 of the proposed planning obligation may *fail to secure a made up, adopted access to the remaining land and will leave it sterile with the loss of 14 houses*.

Officer response: As with other applications where only part of an allocated site has been the subject of a planning application, officers have worked with the current applicant to ensure the remaining part of site allocation HS203 (i.e., the part not included in phases 1 or 2) is not sterilised for development. This is considered essential to ensure compliance with Local Plan policy LP7 (which states that, to ensure the best use of land and buildings, proposals must allow for access to adjoining undeveloped land so it may subsequently be developed), and it is additionally noted that paragraph 6.41 of the Local Plan states that the council will continue to positively support measures to ensure the best use of land and buildings, including through the application of relevant policies to ensure land is not sterilised for development. To this end, the applicant has included a spur (of the proposed estate road) between units 79-80 and 81-83. This would ensure vehicular access can be provided to a future development on the remaining part of site allocation HS203, *provided that* the entirety of the spur is provided as adopted highway all the way up to the site boundary. The part of the spur beyond the vehicular entrances to units 79 and 80 could be provided as adopted grass verge (with the agreement of the council's Section 38 team) rather than fully made-up carriageway, as for the time being it would not be used by vehicles. That grassed part of the spur would, however, need to be adopted highway over which a future applicant could lawfully provide vehicular access, and this (along with other provisions preventing hindrance of a future vehicular connection) would need to be secured in the required Section 106 agreement, to ensure the remaining part of site allocation HS203 is not sterilised, to ensure no ransom scenario is created, and to ensure item 7 in the recommended Heads of Terms is properly implemented.

3. Receipt of statutory consultee comments

Highways Development Management: I have reviewed the revised plan; Planning Layout Phase 2 - Drawing No. 1914-SI-22G, Rev.G, which I can confirm satisfactorily addresses outstanding highways issues regarding the footway link to The Knowle and forward visibility on the bend adjacent to plot 60. The layout is considered acceptable and suitable for adoption.

Infill of land and formation of access and turning facilities, temporary fence and restoration to agricultural use

Land North West, Hog Close Lane, Holmfirth, HD9 7TE

Correction

Paragraph 10.18 of the report makes reference to paragraph 10.12. This is incorrect and should instead refer to paragraph 10.13.

Land at, Owl Lane, John Ormsby V C Way, Shaw Cross, Dewsbury, WF12 7RQ

RECOMMENDATION:

DELEGATE refusal of the application and the issuing of the decision notice to the Head of Planning and Development.

That the Committee refine their reasons for refusal to those which in officers' opinion are the most sustainable in terms of technical evidence:

The addition of the proposed restaurant and drive thru, in an area where there are higher levels of deprivation combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and safe lifestyles in so far as resisting the location of fast food establishments in areas of poor health, contrary to Policy LP47 of the Kirklees Local Plan and the aims of Chapter 8 of the National Planning Policy Framework.

Clarification

The purpose of the report is to set out the reasons for refusal decided upon by Members at the Strategic Planning Committee held on 27th January 2021 and to advise members of the evidence base for each reason in order for members to determine the most robust reason(s) for refusal to defend the decision against any subsequent appeal. Members are not being asked to re-determine the application but to ensure an effective, efficient and rational approach in line with Planning Appeal good practise.

The report sets out the reasons members of the Committee raised as grounds of refusal in overturning the original recommendation and explains the evidence base behind those reasons, taking into account professional advice from consultees as to the reasonableness of those grounds for refusal.

The report advises Members to consider refining their objections to the application to those matters which the Council has technical evidence to defend, namely the public health grounds. This is good practice to ensure the Council is not acting unreasonably and exposing itself to potential costs awards at a planning appeal. It is expected within the appeal guidelines from the Planning Inspectorate that parties reduce inquiry time, reduce the areas of contention and therefore fall into the arena of reasonableness. It is considered reasonable to refine reasons for refusal to those most likely to be sustained. Members can choose to refine their reasons or retain their initial concerns in full, however do so with a full understanding of what evidence Officers can support the grounds with, should the applicant appeal.

In summary, any evidence to support reasons for refusal 1-3 would have to be either anecdotal from the relevant Councillors (anti social behaviour); or a forensic investigation by a third party professional consultant witness for the Council in relation to the developer's submitted traffic impact assessment and noise impact assessment which the Councils highways officers have reviewed and cannot sustain a evidence based objection to and therefore this is unlikely to provide a different opinion.
