

# KIRKLEES METROPOLITAN COUNCIL

## PLANNING SERVICE

### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

26 FEBRUARY 2015

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APPLICATION NO: 2014/93014

PAGE 9

#### OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING OF 41NO. NEW DWELLINGS PLUS ASSOCIATED WORKS (WITHIN A CONSERVATION AREA)

#### EDGERTON ROAD, EDGERTON, HUDDERSFIELD, HD3 3AA

##### Affordable Housing

The applicant argues in a recently submitted letter that the principle of development has been established on the site by the 1967 extant planning permission, is supported by its allocation on the UDP and has been accepted by Officers and in public documents e.g the Inspector's report on the UDP and a Supreme Court judgement.

The applicant argues that

*"The fall back position of the extant permission... has to be given significant weight in the decision making process and the 1967 planning permission represents a strong and overriding consideration.... the 1967 permission has no requirement for affordable housing and the applicant is quite prepared to build this scheme out should it come to it. However, this would be of no benefit to either the Council or local residents as it would not bring the improvements to the local environment that the current scheme proposals would do".*

The applicant states that in pre-application discussions with Planning Officers he was advised that in the light of the fall back position of the 1967 permission a pragmatic approach would be taken regarding S106 requirements in an alternative scheme particularly where this would deliver a more sympathetic layout and design with greater opportunities to retain trees and open space. The applicant considers that the Authority is now ignoring that advice which would represent unreasonable behaviour potentially leading to an application for costs being made as part of the current appeal process should it need to be progressed.

The applicant argues that the design and layout of the current scheme is much improved from the 1967 permission. It is argued that they have provided significantly more public open space (POS) than required under UDP policy, partly in response to requests from local residents and partly in response to officers who believed that an increase in POS *"was of greater significance balanced against any affordable housing requirement, taking into account the views of residents."*

The applicant repeats that affordable housing provision on or off-site is not financially viable as demonstrated in the recently submitted appraisal. However, in the applicant's letter received on 24<sup>th</sup> February 2015 the applicant offers one affordable unit at plot 41, *"which is of a size such that it could potentially be sub-divided into two units in the future, along with presenting the entire one acre of POS adjacent to Edgerton Road to the Council."* The applicant argues that such provision along with payment of the required education contribution *"provides a significant contribution by the applicant to the local authority particularly when balancing against the 1967 development."*

Officer comment:

The site is eligible for consideration for affordable housing provision. The current Strategic Housing Market Assessment ('SHMA', 2012) evidences the need for 1455 new affordable homes per year across Kirklees, which is a figure greater than the recent annual delivery across all tenures.

The Huddersfield housing market area requires 524 new affordable homes per year and the headline house types required comprise 2 and 3 bed homes. There is also a need for smaller, and larger accommodation. The general tenure breakdown is for 2/3 social rented, and 1/3 intermediate housing as defined in the NPPF.

As a greenfield site, the adopted SPD2 would be looking to secure 30% of the gross internal floorspace of the development on site. However, the proposed development does not address the principal district wide need for affordable housing and consequently Officers would need to undertake further discussions with the developer and potential Registered Housing providers about achieving on-site provision and other mechanisms available to secure provision in the locality.

The applicant has confirmed that the proposal does not include affordable housing provision. An 'Affordable Supplementary Statement' (ASS) was only received on 18<sup>th</sup> February 2015. This has been considered in conjunction with the previously submitted 'Affordable Housing Statement Supporting Application'(AHSSA) received on 10<sup>th</sup> October 2014 and information in the 'Planning & Heritage Statement' received on 8<sup>th</sup> October 2014 which are referred to in the Committee report.

Officers have assessed this report and consider that it is not sufficiently detailed to enable them to allow a full analysis of the argument for a nil affordable housing provision.

- The report lacks a sufficient detail on full development costs.
- Reported build costs are high for a greenfield site and further information would be required on this.
- Details are required of the allowances for profit and policy requirements such as affordable housing, education and public open space.
- The appraisal factors in a pre-determined profit however, this needs to be arrived at through the analysis rather than inputted from the start.

- The document does not reflect the requirements of the SPD2 and DCLG guidance on 'Section 106 affordable housing requirements – review and Appeal' (April 2013) which set out specific detailed requirements of costs and significant elements of those costs. There is no information on the costs of the elements of the scheme e.g. landscaping, road surfacing...etc as well as professional fees.
- There is no detail how the proposed property values have been arrived at or how.
- The analysis does not programme contingency costs.

Members are advised that this is a superficial analysis of the applicant's Statement. In normal circumstances officers would commission an independent assessor to review it in more depth. This is not possible in this instance given the date of receipt and the restricted timescales.

The ASS takes into account that the applicant will pay the education contribution as specifically requested in the consultation response from Education Service. The figure also includes a payment for public open space but it is not clear where the figure has come from.

Officers consider that the Appraisal is not comprehensive enough to justify not requiring the affordable housing requirements under SPD2. The document has been examined in the light of Planning Practice Guidance on Viability and Decision Taking.

Officers retain the opinion that in the absence of agreement to provide affordable housing the proposal is considered to be contrary to policy H10 of the Unitary Development Plan and the NPPF.

The applicant's offer of one unit with the potential for sub-division is noted and Members may wish to express their view on this offer to the Inspector. Plot 41 is a detached coach house type. Planning permission would be required to change the proposed house type to two flats or convert in the future.

The applicant has previously made a provisional offer to provide eight affordable houses on the site of the proposed public open space fronting Edgerton Road. He has been informed that this is a significant departure from the current proposals which would require further publicity and consultation. The reduction in the public open space provision within the development would be a material consideration affecting the balance of such consideration. In such circumstances this would not be acceptable as an amendment to the current proposal and would require a fresh planning permission either in its own right or for the scheme as a whole.

Officers fully accept that the current scheme represents a significant improvement on the 1967 permission and that the applicant has made positive efforts to meet policy and public requirements. The applicant's submitted viability appraisal has also been carefully considered. However, the lack of affordable housing provision where local need has been demonstrated is clearly contrary to UDP policy and the NPPF. In such circumstances Officers have no option but to advise Members to recommend the Inspector to refuse planning permission and dismiss the appeal.

### Education contribution

The applicant has confirmed that he is willing to accept a requirement to pay the education contribution. In such circumstances this reason for refusal is now removed from the recommendation. However, this would need to be secured through a S106 agreement and the Inspector will be advised of the need for this prior to the issue of an permission should he/she be minded to allow the appeal.

### Biodiversity

Officers consider that the lack of an ecological assessment does not allow the effects on biodiversity to be properly judged. This is contrary to the need to conserve and enhance biodiversity stated in NPPF paragraph 118 and in such circumstances NPPF paragraph 14 leads to the requirement to refuse planning permission.

Since the publication of the Sub-Committee agenda report the applicant has submitted a letter in support of his stance on biodiversity issues. The letter states that the site has been subject to numerous surveys and no issues have been revealed as part of this work. The applicant argues that pre-application discussions revealed that a Phase 1 ecology survey needed to be carried out and submitted with the application and that this was submitted.

The applicant states that the most recent surveys were carried out in August 2014 and argues that this forms a reasonable assessment “on which a professional judgement can properly be reached that no bats are present on the site and that there will be no impact on bats.” The applicant believes that a condition could be imposed on a planning permission to require updated surveys in the appropriate season before development commences. The applicant states that NPPF advises LPAs to take a pragmatic approach to ecological issues to fulfil statutory obligations whilst minimising delay and avoiding unnecessary burdens on applicants.

The applicant believes that Officer’s requirement for the ecological assessment at this stage prior to determination of the application rather than imposing a condition is contrary to NPPF advice and British Standard Code of Practice for Planning & Development which enables planning conditions to be imposed to enable a positive recommendation to be made on the application. The applicant argues that

*“this would be a perfectly reasonable approach particularly when taking into account that no works would be carried out to the trees that the authority is concerned about, whereas with the 1967 fall-back permission those trees would be affected.....such an approach would not involve deferring consideration of impacts on protected species but would simply involve updating survey information to confirm the professional judgement already reached prior to the grant of permission that there will be no adverse impacts.”*

The applicant has now suggested that a condition could be imposed reserving a decision on that part of the layout where habitats could be affected. It is argued that this would enable the submission of additional surveys and details to be submitted as reserved matters in the future. The applicant argues that the 1967 permission would have a significantly greater impact.

In response to the applicant's opinion that this matter can be resolved by condition, essentially officers' reasoning is that an ecological assessment of the woodland habitat is required in order to judge the value of the habitat and offer any appropriate mitigation measures. This document would be given weight in the final consideration of the proposal. Its conclusions may allow concerns to be overcome by the imposition of appropriate conditions or they may lead to a request for further information such as a bat survey which would be necessary prior to determination of the application.

National Planning Practice Guidance 'Natural Environment' (para 016) notes that

"An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant *and existing information is lacking or inadequate*" (*Officers italics*). The relevant point here is that without such an assessment Officers are unable to establish the suspected value of the habitat.

With regard to the possible presence on site of bats, a protected species, officers consider that there is a reasonable likelihood of bat roosts being present as the proposal lies with the wider 'bat alert' GIS layer based on the general characteristics favoured by bats. Secondly the site is in an area of semi-natural habitat networks that provide good foraging opportunities for bats.

Natural England advice is that:

- The Local Planning Authority (LPA) should not grant planning permission where it does not have sufficient information to assess the impact on protected species.
- Surveys to determine the impact of proposals on protected species should not be conditioned. This information must be provided prior to determination.

In such circumstances a bat roost potential survey should be undertaken of the trees to be removed or potentially affected as a result of the development to inform the wider ecological assessment. This can be undertaken in winter but needs to be undertaken prior to the determination of the planning application. If that survey and data search establishes that the trees have negligible roost potential and/or it can be confirmed without doubt that no bats use the site and/or works will not affect roost features then no further survey work would be required and the application can progress with the standard precautionary note "if any bats are found work must cease immediately...."

If the bat roost potential survey establishes that the trees have low roost potential then the application may still be determined and bat activity surveys may be conditioned to be undertaken between the months of May-August and survey reports submitted to and approved by the LPA before development starts. The underlying principle is that it will be relatively easy to mitigate the loss of minor roosts within a development and the LPA can be confident that the 3 tests laid down in the Conservation of Species & Habitat Regulations 2010 can be met. Those tests are:

1. If there is a genuine need for the activity or it meets a purpose of preserving public health or public safety.
2. There are no satisfactory alternatives to delivering and meeting the need in the way proposed.
3. That there will be no adverse effect on the conservation status of the species concerned.

A brief statement should be produced in the initial survey report how the 3 tests will be met.

If it is established that the building has moderate to high roost potential then bat activity surveys will need to be carried out pre-determination. These should be carried out between mid-May and mid-August and will enable the application to be determined with the benefit of full information about use how the site is used by bats in accordance with Natural England advice.

This approach is supported by Case Law.

The applicant's suggestion to reserve layout where trees are affected is noted. This is considered impractical. The application is for a specific number of dwellings and it is not clear whether the offer is to allow any lost dwellings to be replaced in the remainder of the site where the layout has been approved, requiring a further alteration, or whether they would simply be relocated in the vacant, possibly smaller space. This introduces considerable uncertainty into the scheme and it is considered that this would fail the test of reasonableness of a planning condition.

With regard to the applicant's latest letter, the survey report submitted to the Authority is the Phase 1 Habitat Survey. Officers are not aware of the other 'numerous' surveys referred to. The purpose of the Phase 1 survey is to establish the habitats types present at the site and, any other ecological issues which require further more detailed investigations. In this case the survey report established the need for bat roost potential surveys of the trees to be felled. This is in the 'Recommendations' section of the report.

The Phase 1 survey report does not mention the presence of Lowland Deciduous Woodland at the site which is a Habitat of Principal Importance (or Priority Habitat). Indeed it is the most significant habitat at the site. This should have been picked up as a target note along with a recommendation to carry out more detailed vegetation surveys to establish the value of the woodland habitat. There was no such recommendation in the report.

One possible outcome of further survey work is that this woodland could be of Local Wildlife Site value, in which case Officers would wish to see the woodland protected from development and that includes a buffer to prevent indirect impacts. However, the value of the woodland is unknown because it has not been surveyed. If conditional consent was issued for this proposal on the basis of no information, including the layout, it is difficult to see how the decision could be reversed to avoid impacts on the woodland.

## Tree Preservation Order

For clarification the current TPO on site TPO 01/15 has now been confirmed following the expiry of the publicity period on 25<sup>th</sup> February 2015 and the receipt of no objections.

On 19<sup>th</sup> February 2015 the applicant submitted a revised Woodland Path Method Statement. This provides a little more details than the letter previously submitted namely:

- Two trees would be required to be felled along the footpath route however, one is leaning at 45 degrees and the other is a heavily suppressed specimen.
- Selective pruning will be required for head clearance.
- The path will follow existing contours to minimise excavation and be surfaced in wooden decking.

Trees and Footpaths Officers have previously raised no objections in principle to the footpath subject to a condition requiring the submission of further detailed plans. The method statement does not change officers' views.

## Concerns at the way the application has been processed and the potential use of conditions

The applicant has raised concerns at the length of time the Authority has taken to determine the application. He has also expressed concern at the late requests for information and that such requests and the final recommendation is contrary to advice given in pre-application discussion. Officers offer the following comments in response to this concern.

Firstly it is stressed that the applicant did not directly enter into formal pre-application discussion regarding this site although the applicant, as landowner, was present at meetings. The request for a pre-application view came from a major housebuilder which withdrew from discussions before a formal response was issued.

The need for a viability appraisal addressing affordable housing requirements and the likely need for a contribution to meet education needs generated by the development were raised with the developer at pre-application stage and prior to validation of the application. At the same time the applicant was advised that the indicative layout included a proposed footpath through the woodland area adjacent to Clayton Dyke. It was noted that the layout proposed that the existing woodland be cut back to the top of the existing embankment. It was stated that this had not been agreed with the applicant in pre app discussions and would not be supported by the Council's Tree Officer. The applicant was advised to submit documents, in particular a viability appraisal addressing all these three issues before the application was validated.

The applicant's response regarding affordable housing was to submit the statement reported in the main report that he was unwilling to provide this as it was not a requirement of the 1967 permission. In such circumstances, whilst Officers did not necessarily endorse this justification, there was no reason not to validate and progress the application and it was registered on 8<sup>th</sup> October 2014.

Officers have repeatedly updated the applicant in a timely manner upon the receipt of consultation responses. In particular the need for a detailed response on the requirements for affordable housing and education provision, details of the woodland walk, agreed amendments to the layout to meet Yorkshire Water requirements, a biodiversity assessment have been raised throughout the consideration period.

Officers have entered into pre-application discussions with the applicant. This is a useful process to improve the efficiency and effectiveness of the Planning application system for all parties and is recommended in the NPPF. Clearly it is important that the decision on the subsequent planning application should, as far as reasonably possible be consistent with the pre-application advice. However, Officers consider that they are, as previously promised, taking a pragmatic attitude to the normal policy requirement for affordable housing in the light of the benefits offered by the current proposal. However, at no point have Officers stated that they would accept no affordable housing contribution.

Officers fully accept that the proposal represents a positive response by the applicant to provide a development which fits in with the character of the surrounding area and which has sought to accommodate the comments of local residents following a pre-submission discussions, particularly the provision of the woodland walk. In particular the proposal is low density to reflect the character of the conservation area, dwellings have been kept away from the woodland canopy and it provides on-site public open space in excess of the UDP policy requirements. Officers accept that this may prejudice the viability of affordable housing however, the viability appraisal is insufficiently detailed to illustrate this particularly given the significant weight which the provision of affordable housing carries in the decision.

### Highways

As noted in the Sub-Committee report Highway officers recommend that a S106 agreement is secured to achieve residential metrocards for occupiers. Members are advised that this can be achieved by condition which will be recommended to the Inspector in the event that he/she allows the appeal.

Similarly the Highways officer requires a financial contribution to provide a scheme for the improvement of bus flows along the A629 corridor through the provision of bus loops at the Edgerton Road / Blacker Road junction. The applicant has been made aware of this requirement but has not included these requirements in the submitted viability appraisal. The Inspector will be advised that this Authority would seek this requirement through a S106 Agreement which will also cover the education contributions.



## Other issues

The applicant has provided a layout stamped approved in 1967 over which he has overlaid a topographical survey. This layout is the same as that shown on the plan already on the Council's records. However, there is no LPA reference and the date stamped approved is one day later than the date of the decision notice. Officers consider that this additional information is relevant to the consideration of the application but does not add to the limited weight to be given to the 1967 planning permission assessed in the Officer report to Members.

The Planning Policy Group Leader has received correspondence from the Clayton Fields Action Group proposing a Local Green Space (LGS) on the land 'adjacent to the stream and excluded from the dwellings (to be) made available for open space' referred to in the 1967 permission and decision notice. This is in accordance with provisions in the National Planning Policy Framework on or adjacent to the application site.

This would be progressed through the Local Plan process and further information will be required need in order to consider a LGS proposal fully. However, this will not be resolved until significantly after the Sub-Committee meeting, the deadline for submission of the Authority's Appeal Statement to the Inspectorate and the appeal decision itself. It is not considered that the proposed LGS by the residents carries any weight in members' consideration of the application.

## Further public comment

Since the Committee report was published two further letters have been received from Clayton Fields Action Group (CFAG) and a former member / local resident respectively. The letter from CFAG has previously been circulated to Members in accordance with the group's wishes. The letter may be summarised as follows:

- Many users of the site, St Patrick's School and Barry Sheerman MP support the current applications for claimed footpath routes across the site. It is recognised that the applicant has tried to accommodate some of these routes in the layout.
- The claim provides evidence for a route from the bridge over Clayton Dyke (at the north western point of the site) to Queens Road / Murray road (the north eastern point of the site) along the full extent of the woodland. The registration of this route will conserve the full extent of the woodland area along Clayton Dyke as a semi-natural open space accessible to all.
- CFAG have offered to take on ownership and maintenance of the woodland area along Clayton Dyke but it must be the full length and above the embankment. (The current proposal is for a path along part of the woodland only and within the woodland along the embankment and valley floor.)

- CFAG argue that the footpath corridor can be accommodated in the layout. It can then continue to Murray Road by steps into Edgerton Cemetery and then to Huddersfield creating an attractive 'green' mostly off- road pedestrian route compensating the community for the loss of Clayton Fields and benefiting the wider community.
- CFAG have applied for the designation of the woodland corridor as a Local Green Space (see above) and this should be an additional reason to refuse planning permission.
- CFAG have additional concerns
  - At the protection of 'buffer zones' along PROW 345 from future development.
  - The protection and routing of the claimed footpath link between plots 24 & 25 to St Patrick's School.
  - Mature trees should be provided on Edgerton Road in the proposed public open space to add to the main road corridor.

The second letter supports the development subject to the LPA's right to condition any permission to reach a compromise with the developer to balance the viability of the scheme with the need to accommodate woodland, infrastructure and footpaths. The writer is concerned that the Inspector will be less sensitive to these local issues.

### Conclusion

The applicant argues that

*"The submitted scheme is a modern attractive sensitive development which has been worked up in co-operation with Officers over many months and following extensive public consultation. With its significant amounts of open space, footpaths and modern design and materials it is a vast improvement on the fall back position of the 1967 permission."*

In making their recommendation Officers have determined, on balance, that the proposal is sustainable development in the light of the three roles identified in paragraph 7 of the National Planning Policy Framework. The proposal has then been assessed against NPPF paragraph 14 which states the presumption in favour of sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole *or material considerations dictate otherwise.*(Officers italics)

Officers fully acknowledge the positive steps taken by the applicant to present a more acceptable and improved alternative to the 1967 planning permission. It is recognised that in doing so the applicant has taken on board some of requirements of local residents and the advice of Planning officers. However, the lack of affordable housing provision is contrary to UDP policy H10 and the NPPF and the failure to provide adequate information on the value of the woodland habitat preventing an accurate judgement of the impact of the development on it is contrary to the NPPF. These constitute significant material considerations and in Officers view those material considerations carry sufficient weight to significantly and demonstrably outweigh the presumption in favour of sustainable development.

Members are asked to note that the layout which their resolution will refer to is revQ which has superseded rev N as listed in the plans table on the agenda report. They are also asked to note that the details have been supplemented by further submission on highway detail and the Affordable Housing Supplementary Statement.

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**APPLICATION NO: 2013/92747**

**PAGE 42**

**CHANGE OF USE AND ALTERATIONS OF A4 PUBLIC HOUSE TO D1  
EDUCATION CENTRE**

**JOLLY SAILOR, 51, BROAD LANE, DALTON, HUDDERSFIELD, HD5 9BY**

**Highway Safety Matters**

Further information has been received from the applicant's Highways Consultant to clarify the position with respect to the use and numbers of persons attending the site. These comments are as follows:

"1 In preparing our transport statement we made reference to the proposed opening hours of the premises given in the Design and Access Statement prepared by Mimar Architecture and these are quoted at paragraph 2.1.4 of our report.

2 It is self evident therefore that the premises will provide classes up to a maximum of 12 persons during those times which, I would stress, are outside the hours of the network peak traffic flows which has been the concern of Highways Officers previously. During the day and at weekends it is likely that the number of people attending the facility will be less than the maximum of 12 with the peak being in the early evening.

3 Our report states that the people who will attend this facility will be from the local community and so will be more likely to walk to the site.

4 No parking facilities are proposed on the forecourt frontage of the site to Broad Lane. It is noted however that this did occur when the public house was open and presently does occur on site without the consent of our client nor any complaints being received about this.

5 Our parking studies do not show that there is a parking problem in the vicinity of the site and an examination of the injury accident record does not show that there is a road safety problem in the area."

In the committee report Kirklees Highway Services confirm the proposals are acceptable subject to the operators of the centre complying with a series of recommended conditions. This was based on the information in the Transport Statement that a maximum of 12 children would attend the education centre at any one time. The conditions would require the number of people attending the premise to be limited to twelve. Given that 'children' are specifically referred to in the supporting transport statement by HY Consulting, it was considered it would be necessary to define 'children' by condition and in accordance with this those attending will be limited to be within the age range

of 'between 6 to 14 years old'. This would be in the interests of highway safety and to avoid older persons travelling by car to attend the premise. Conditions were also suggested for a strict range of opening hours to avoid peak traffic times, and to restrict the uses to be carried on at the site to avoid a place of worship being formed. This was in the interests of highway safety as it was considered other uses would generate significantly more traffic and parking demand which cannot be safely accommodated on site or the immediate surrounding area.

Since this time the applicant has confirmed that adults would also attend the education centre. The parking standards for adults for the proposed use increase from 1 space per 6 children to 1 space per 3 adults. This equates to 4 spaces for the proposed 12 adults attending the education centre, together with the identified 2 spaces for staff, a total of 6 spaces. On the site plan 2 parking spaces are proposed to the rear of the building and 2 spaces are available to the side of the building on the proposed drop off lay-by. Based on the current layout there would therefore be a shortfall of 2 spaces. Highway Services consider however, that the parking standards can be achieved by utilising the space to the frontage of the site for longer term adult student parking. A car park management plan would be required to control the use and operation of these spaces in conjunction with the proposed operation of the site. Notwithstanding the conditions set out on page 53 of the committee report, it is considered condition 6 could be revised as follows:

6. A car park management plan for all the parking spaces within the boundary of the site (including to the front of the proposed Education Centre, to the rear of the centre and within the proposed drop off spaces) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The plan shall include details of signing, markings and measures to ensure that the parking spaces to the front of the site are used for longer term adult student parking only together with details of the supervision and marshalling of the parking spaces. The car park management plan so approved shall be brought into operation before the education centre is first brought into use and operated in strict accordance at all times when the education centre is in use.

The officer recommendation is slightly amended to reflect that highway matters have been resolved. As per the assessment in the committee report this is a very finely balanced recommendation and the limitations on use of the site, given the surrounding highway network, cannot be over emphasised.

The recommendation is:

**CONDITIONAL FULL PERMISSION SUBJECT TO THE DELEGATION OF AUTHORITY TO OFFICERS TO**

- IMPOSE ALL NECESSARY AND APPROPRIATE CONDITIONS WHICH MAY INCLUDE THOSE SET OUT BELOW AND**
- SUBJECT TO THERE BEING NO SUBSTANTIVE CHANGES THAT WOULD ALTER THE RECOMMENDATION TO ISSUE THE DECISION NOTICE.**

**1. The development hereby permitted shall be begun within three years of the date of this permission.**

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.

3. The education centre use hereby permitted shall not be open for any purpose outside the hours of 09:30 to 16:00 and 18:00 to 21:00 Monday to Friday, 09:00 to 16:00 Saturday, 10:00 to 16:00 Sunday.

4. The ground and basement floors of No.51 Broad Lane Dalton shall be used for no purpose other than an education centre and not for any other purpose in Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) "the Order" or in any provision equivalent to that Class in any Statutory Instrument revoking or re-enacting that Order. The first floor shall be used for no purpose other than residential use falling within Class C3 of the Order.

5. Within the first 3 months of any part of the development being brought into use a travel plan shall be submitted to and approved in writing by the Local Planning Authority. The travel plan shall include measures to improve and encourage the use of sustainable transport. The measures shall include

- targets aimed at lowering car use, particularly single occupancy trips, from/to the site
- the provision of bus/train information;
- car sharing facilities
- the introduction of working practices to reduce travel demand
- the provision of on-site cycle facilities and information
- timing of classes to avoid peak hour traffic
- details of how the travel plan will be managed
- a programme for monitoring the travel plan and its progress
- details of how the travel plan will be promoted.

The approved travel plan shall thereafter retained.

6. A car park management plan for all the parking spaces within the boundary of the site (including to the front of the proposed Education Centre, to the rear of the centre and within the proposed drop off spaces) shall be submitted to and approved in writing by the Local Planning Authority before development commences. The plan shall include details of signing, markings and measures to ensure that the parking spaces to the front of the site are used for longer term adult student parking only together with details of the supervision and marshalling of the parking spaces. The car park management plan so approved shall be brought into operation before the education centre is first brought into use and operated in strict accordance at all times when the education centre is in use.

7. The development shall not commence until cycle storage facilities have been provided in accordance with details that have been approved in writing by the Local Planning Authority, the approved facilities shall thereafter be retained.

**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT**

**LAND TO SIDE AND REAR OF, 11 HOLME AVENUE, DALTON,  
HUDDERSFIELD, HD5 8DP**

Additional representations:

One additional letter of representation has been received. The letter does not raise any material considerations beyond those raised in the main report.

Highways:

The proposed residential development indicated to serve circa 30 dwellings would be accessed off Holme Avenue opposite a priority junction within its layout to form a 'cross road' arrangement. Holme Avenue has a traditional estate road layout is considered be lightly used in context with its residential nature.

The proposed access would have a 5.5m wide carriageway, 1.8m wide footways to both sides, and a gradient of 1 in 10 which meets current guidance. As such, subject to the internal highway layout being treated as a reserved matter, the proposed access is considered acceptable subject to conditions.

Conditions:

Following further consideration from Highways, conditions 5, 6, 7, 8 & 9 from the full report are hereby replaced with a single condition (now condition no. 5). As this has reordered the numbering of conditions in the report they are set out in full below.

**Recommendation:**

**Grant outline planning permission subject to the following conditions:**

- 1. Approval of the details of the 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 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. Notwithstanding the detail shown on the approved plan 13-D54-02 Rev E, the development shall not commence until a scheme detailing:

a) Construction and layout specification of the site access including structural details of required retaining walls

b) Access gradients of 1 in 20 from Holme Avenue for at least the first 10m into the site and a maximum gradient of 1 in 10 thereafter with suitable transition curves.

c) 2.4m x 43m east visibility splay no higher than the level of the adjacent footway from the site access along Holme Avenue;

together with an independent Road Safety Audit has been submitted to and approved in writing by the Local Planning Authority. The development shall not commence until the approved scheme has been implemented and no part of the development shall be brought into use until the approved works have been completed. Thereafter, the completed works shall be maintained throughout the lifetime of the development.

6. No development shall commence until a scheme has been submitted to and approved in writing by the Local Planning Authority which details the proposed measures to be taken for the protection of public safety on Public Right of Way *Huddersfield 100* which runs adjacent the eastern boundary of the site in relation to all aspects of construction works within and including access to or from the site. The approved scheme shall be implemented throughout the construction period of the development.

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 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.

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 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.

9. 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.

10. Development shall not commence until a scheme restricting the rate of surface water discharge from the site to a maximum of 3.5 litres per second 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. Flows between the critical 1 in 30 or critical 1 in 100 year storm events shall be stored on site in areas to be approved in writing by the Local Planning Authority, unless it can be demonstrated that discharge from site does not cause an increased risk in flooding elsewhere. 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 throughout the lifetime of the development.

11. 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, 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.

12. Development shall not commence until a scheme, detailing temporary surface water drainage for the construction phase (after soil and vegetation strip) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall detail:

- phasing of the development and phasing of temporary drainage provision.
- include methods of preventing silt, debris and contaminants entering existing drainage systems and watercourses and how flooding of adjacent land is prevented.



The temporary works shall be implemented in accordance with the approved scheme and phasing. No phase of the development shall be commenced until the temporary works approved for that phase have been completed. The approved temporary drainage scheme shall be retained until the approved permanent surface water drainage system is in place and functioning in accordance with written notification to the Local Planning Authority.

13. No development shall take place until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the Local Planning Authority.

14. 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.

15. Details submitted in respect of landscaping pursuant to conditions 1 and 2 shall include 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. The scheme shall detail the provision of native trees and shrubs, along with the creation of an ecological corridor. The scheme shall also 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.

16. 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 3 dwellings. The development shall be undertaken in accordance with the details so approved and the bat and bird boxes provided retained thereafter.

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**OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT AND NEW ACCESS****ADJ 23, ASHFORD PARK, GOLCAR, HUDDERSFIELD, HD7 4RL****Amended plan**

An amended layout has been submitted which reduces the numbers of dwellings indicated from 19 to 18. The alteration is in the northwest corner of the site, and creates additional space surrounding the protected oak tree. The description of development remains unchanged but as 'layout' is formally applied for at the stage if outline planning permission is granted this would be of a total of 18 dwellings.

**Additional Consultation responses**

**KC Trees** - The amended plan improves the relationship and distances between the protected trees and the dwellings. Amendments are acceptable

**KC Highways** - Provide an update on cumulative traffic impact (detailed in full below). Recommend additional condition.

**KC Environmental Health** - Recommend additional condition

**Assessment**

## Cumulative traffic impact

Cumulative traffic impacts associated with proposed major developments generally above 50 residential units are assessed on the local highway network together with the measurable impacts from consented (including current planning applications) major developments within the vicinity of the site. These are called 'cumulative assessments'.

Development traffic below 50 residential units is generally not assessed on the local network as it is taken into account within local traffic growth forecasts, and Transport Assessments connected to major development proposals within the vicinity of the site.

As the proposed development for 19 dwellings falls below the cumulative assessment threshold with the 'am' and 'pm' peak hour traffic generation estimated to be between 12 to 16 vehicle trips, it would have been unreasonable to instruct the developer to carry out a formal 'cumulative assessment'. However, as stated above, the impact of this development has been considered taking into account local traffic growth forecasts and Transport Assessments connected to major development proposals within the vicinity of the site. From this it has been concluded that the associated development traffic is acceptable from highway efficiency and safety point of view.

## Objections

The sentence at the top of page 83 should read ...there are 6 common themes which are listed and addressed below'.

### Additional conditions

Three additional conditions are proposed. The first (no. 24) is to provide charging plug-in points for low emission vehicles. This is to provide a range of options to encourage more energy efficient forms of travel. The second (no.25) requires details of retaining structures in light of the likely requirement to provide a retaining wall to form the new access into the site. This is in the interests of highway safety. Finally no. 26 requires the implementation of the Habitat Management Plan as proposed on page 81 of the main report.

24. Before development commences the applicant shall submit a plan detailing facilities to be provided for charging plug-in and other ultra low emission vehicles. This plan shall be agreed in writing by the Local Planning Authority before development commences and implemented before the first occupation of the properties to which they relate.

25. No development shall take place until details of the siting, design, structural calculations and material to be used in the construction of retaining walls, structures and boundary treatment near or abutting a highway have been submitted to an agreed writing by the Local Planning Authority. The proposed development shall not be brought into use until he agreed works have been implemented, and the said works shall thereafter be retained.

26. Prior to development commencing details of the implementation, phasing and subsequent maintenance arrangements of the Habitat Management Plan (008-RE02/001 received 21/10/14) shall be submitted for the written approval of the Local Planning Authority. The approved works shall subsequently be implemented in accordance with the agreed phasing/ timescales, and retained thereafter.

Amended Layout Plan LDS 1996/002 rev F, inserted into the plans table

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**ALTERATIONS TO DETACHED GARAGE TO CREATE DWELLING FORMING ANNEX ACCOMMODATION ASSOCIATED WITH THE LODGE, BEAUMONT PARK, BEAUMONT PARK ROAD, HUDDERSFIELD, HD4 7AY (WITHIN THE CURTILAGE OF A LISTED BUILDING)**

**THE LODGE, BEAUMONT PARK, BEAUMONT PARK ROAD, HUDDERSFIELD, HD4 7AY**

**6. CONSULTATION RESPONSES**

**Garden History Society – No objection**

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**ERECTION OF ONE PASSIVE DWELLING**

**LAND ADJ, 97, BOURNE VIEW ROAD, NETHERTON, HUDDERSFIELD, HD4 7LA**

**8. ASSESSMENT**

**Ecology considerations:**

In order to further clarify the extent of domestic curtilage which would be associated with the new dwelling, an updated site layout plan has been submitted by the applicant, referenced 14.019(9-)002 Rev A, which highlights the domestic curtilage. The curtilage proposed is considered reasonable in this instance and would still retain sufficient areas of 'natural' landscaping e.g. the wildflower meadow to the south and planting of native tree species to the north, and on balance, according with the aims of Policy EP11 of the UDP and chapter 11 of the NPPF. Condition 16 set out in the recommendation is updated accordingly, along with the tables plan.

**Highway safety considerations:**

In order to provide clarification of the requirements for sight lines onto Bourn View Road, condition 11 is recommended to be updated.

**9. RECOMMENDATION**

**CONDITIONAL FULL PERMISSION**

Revised wording of conditions 11 and 16, along with the updated plans table:

**11. Sightlines of 2m x site frontage east and 2m x 43m west shall be cleared of all obstructions to visibility exceeding 1m in height before the dwelling is first occupied and these sightlines shall thereafter be retained free from any such obstruction.**

16. The domestic curtilage associated with the new dwelling does not include all of the land within the red line boundary of the application site. The domestic curtilage shall be restricted to the area within the green line shown on the drawing entitled "Site Layout for Proposed Passive House", referenced 14.019(9-)002 Rev A.

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

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Site Location Plan	14.019(9-)003		25 November 2014
Site Layout for Proposed Passive House	14.019(9-)002	A	24 February 2015
Elevations for Proposed Passive House	14.019(2-)003		25 November 2014
Plans for Proposed Passive House	14.019(2-)002		25 November 2014
'Whole Site' Layout	14.019(9-)001		25 November 2014
Bourn View Road, Netherton (Section of access prepared by Paul A Howarth Highway Consultants Ltd)	01		25 November 2014
Additional supporting letter			22 December 2014
Additional Support Letter dated 5 February 2015			5 February 2015
Additional Supporting Highway Statement dated 5 February 2015			5 February 2015