

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Wednesday 28 March 2018

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 5 April 2018**.

(A coach will depart the Town Hall, at 9.10 am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber.)

This meeting will be webcast live and will be available to view via the Council's website.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

D Bellamy
N Patrick
G Wilson
J Taylor

Green

K Allison
A Cooper

Independent

C Greaves
T Lyons

Labour

E Firth
C Scott
M Sokhal
S Ullah
S Pandor

Liberal Democrat

J Lawson
A Marchington
L Wilkinson

Agenda

Reports or Explanatory Notes Attached

Pages

1: **Membership of the Committee**

This is where Councillors who are attending as substitutes will say for whom they are attending.

2: **Minutes of the Previous Meeting**

1 - 10

To approve the Minutes of the meeting of the Committee held on 8 March 2018.

3: **Interests and Lobbying**

11 - 12

The Councillors will be asked to say if there are any items on the Agenda about which they might have been lobbied. The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

4: **Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

5: **Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

6: Site Visit - Application No: 2018/90242

Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield.

(Estimated time of arrival at site – 9:35 am)

Contact Officer: Louise Bearcroft, Planning Services

Wards Affected: Kirkburton

7: Site Visit - Application No: 2018/90340

Change of use and alterations to extend existing car park Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield.

(Estimated time of arrival at site – 10:25 am)

Contact Officer: Nick Hirst

Wards Affected: Ashbrow

8: Site Visit - Application No: 2018/90586

Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations Land to the west of Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield.

(Estimated time of arrival at site – 10:25 am)

Contact Officer: Matthew Woodward

Wards Affected: Ashbrow

9: Site Visit - Application No: 2018/90074

Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield.

(Estimated time of arrival at site – 11:05 am)

Contact Officer: Bill Topping

Wards Affected: Lindley

10: Site Visit - Application No: 2017/93886

Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) Co-op Building, 103, New Street, Huddersfield.

(Estimated time of arrival at site – 11:30 am)

Contact Officer: Matthew Woodward

Wards Affected: Newsome

Planning Applications

13 - 16

The Planning Sub Committee will consider the attached schedule of Planning Applications.

Please note that any members of the public who wish to speak at the meeting must register to speak by 5.00pm (for phone requests) or 11:59pm (for email requests) by no later than Tuesday 3 April 2018.

To pre-register, please contact richard.dunne@kirklees.gov.uk or phone Richard Dunne on 01484 221000 (Extension 74995)

An update, providing further information on applications on matters raised after the publication of the Agenda, will be added to the web Agenda.

11: Planning Application - Application No: 2017/93886

17 - 30

Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) Co-op Building, 103, New Street, Huddersfield.

Contact Officer: Matthew Woodward

Wards Affected: Newsome

12: Planning Application - Application No: 2018/90586

31 - 48

Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations Land to the west of Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield.

Contact Officer: Matthew Woodward

Wards Affected: Ashbrow

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| 13: | Planning Application - Application No: 2018/90340 | 49 - 60 |
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Change of use and alterations to extend existing car park Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield.

Contact Officer: Nick Hirst

Wards Affected: Ashbrow

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| 14: | Planning Application - Application No: 2018/90074 | 61 - 72 |
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Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield.

Contact Officer: Bill Topping

Wards Affected: Lindley

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| 15: | Planning Application - Application No: 2018/90242 | 73 - 80 |
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Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield.

Contact Officer: Louise Bearcroft, Planning Services

Wards Affected: Kirkburton

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| 16: | Planning Application - Application No: 2018/90163 | 81 - 92 |
|------------|--|---------|

Change of use from plant nursery with retail sales to garden centre and formation of new access Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield.

Contact officer: Farzana Tabasum

Wards Affected: Almondbury

Planning Update

93 - 102

The update report on applications under consideration will be added to the web agenda prior to the meeting.

17: Exclusion of the Public

To resolve that under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following item of business, on the grounds that they involve the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

18: Planning Application - Application No: 2017/93886

Private Appendix in relation to application 2017/93886 (Agenda Item 11)

This information is to be taken in private because it contains commercially sensitive information, including information about a third party.

The public interest in maintaining the exemption, which would protect the interests of the Council and the company involved, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.

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Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 8th March 2018

Present: Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Donald Firth
Councillor Paul Kane
Councillor Carole Pattison
Councillor Andrew Pinnock

- 1 Membership of the Committee**
All members of the committee were present.
- 2 Minutes of the Previous Meeting**
The Minutes of the meeting held on 8 February 2018 were approved as a correct record.
- 3 Interests and Lobbying**
Councillor A Pinnock declared he had been lobbied on application 2016/92298.
- 4 Admission of the Public**
All items on the agenda were taken in public session.
- 5 Deputations/Petitions**
No deputations or petitions were received.
- 6 Public Question Time**
No questions were asked.
- 7 Site Visit - Application No: 2018/90074**
Site visit not undertaken due to adverse weather conditions.
- 8 Site Visit - Application No: 2018/90242**
Site visit not undertaken due to adverse weather conditions.
- 9 Local Authority Planning Appeals**
That the report be noted.
- 10 Planning Application - Application No: 2016/92298**
The Committee gave consideration to Planning Application 2016/92298 Outline application for redevelopment of former waste water treatment works following

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demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Oakenshaw.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Cllr Sarah Ferriby (Bradford Council) and Brian Pearson (both of whom objected to the proposal) and Marianne McCallum (agent).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Approval of access, layout, scale, appearance, and the landscaping of the site reserved matters (standard Out Line (O/L) condition)
2. Plans and particulars of the reserved matters (standard O/L condition)
3. Application for approval of the reserved matters (standard O/L condition)
4. The timeframe for implementation of the development (Standard O/L condition)
5. Appropriate mitigation and enhancement measures as advised by the Biodiversity Officer
6. A lighting design strategy for biodiversity, for the whole development
7. Yorkshire Water conditions
8. Environment Agency conditions
9. Coal Authority conditions
10. Tree survey and Arboricultural Method Statement, in accordance with BS5837, in order to fully appraise the potential impact and risk to both trees on site and the adjacent ancient woodland. This should demonstrate how the trees can be protected both during construction and following completion.
11. Details for the treatment and enhancement of existing Public right of way.
12. Lead Local flood Authority conditions
13. Highways England conditions as set out in response dated 21st February 2018.
14. Restrict overall floor space of proposals to not exceed 75.8% of B2 Use.
15. DM Highways Conditions to include details of:
 - I. Bradford Road/Chain Bar Roundabout for the provision of road widening to provide 3 lanes, new pedestrian footways.
 - II. Mill Carr Hill Road/Bradford Road junction improvements for the widening of Mill Carr Hill Road to provide a right turn facility at the junction and new pedestrian footways.
 - III. Re-alignment of the Carr Hill Road/Cliff Hollins Lane junction to give priority to vehicles travelling towards Cliffe Hollins Lane and the development site and new pedestrian footways.
 - IV. Re-alignment of the Cliff Hollins Lane to give priority to vehicles travelling into development.
 - V. 7.5 tonne lorry bans to Wyke lane and Cliff Hollins Lane.

(2) Secure a Section 106 agreement to ensure :

- I. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use.

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- II. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and
- III. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

(4) In addition to the above to secure a Section 106 Obligation (Unilateral Undertaking) from the applicant to provide the proposed 36 space car park, submitted to Bradford Council for Woodlands C of E Primary School application reference no.16/06146/MAO subject to Bradford City Council approving the application.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors S Hall, Kane, and Pattison (3 votes)

Against: Councillors Armer, D Firth and A Pinnock (3 votes)

The Chair used his casting vote to approve the officer recommendation.

11 **Planning Application - Application No: 2017/94336**

The Committee gave consideration to Planning Application 2017/94336 Part demolition of existing mill buildings and erection of 49 dwellings; conversion of listed building to form private gymnasium; re-use of existing mill buildings and alterations to form workshop, car storage, and associated ancillary facilities including café, shop and office space; Formation of car parking areas (Listed Building) Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Michael Martin, Sue Duddridge, Jill Martin and Charles Woodcock (objectors) and Roger Lee (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local ward members).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

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1. Time limit condition to implement the permission.
2. Development it be in accordance with approved plans.
3. Phasing of the development
4. Approval of samples of materials
5. Detailed design and delivery of the footway to Washpit New Road (to be delivered before occupation of the first dwelling).
6. Internal road design.
7. Highway signage scheme.
8. Surfacing of parking areas.
9. Boundary treatment details.
10. Detailed drainage scheme.
11. Survey of watercourse within site and schedule of repairs where necessary.
12. Assessment of mill pond and tributaries.
13. Temporary drainage scheme.
14. Drainage relating to fats, oil and grease from café.
15. Oil petrol interceptor from car parks.
16. Stand-off distances to culverted watercourse.
17. Mill pond survey and repair/renewal where necessary.
18. Contaminated land and landfill investigation and remediation.
19. Details of plant and extract ventilation for the non-residential uses.
20. Restrictions on operating and delivery hours for The Carding Shed:

I. Café and shop:

- 10:00 to 16:00 Monday to Friday (with no deliveries/dispatches before 0900 or after 1700)
- 09:30 to 16:30 Saturday (with no deliveries/dispatches before 0830 or after 1730 on Saturdays and no deliveries/dispatches on Sundays)

II. Workshop and car storage:

- 08:30 to 17:00 Monday to Friday only.

21. Restrictions on operating hours of the gym.
22. Restrictions on use of gym to residents and workers of Washpit Mills only.
23. Storage use only for retained curtilage listed building connected to the Carding Shed business (Block D).
24. Ecological mitigation including details of demolition.
25. Detailed landscape plan including new tree planting to south eastern site boundary.
26. Electric vehicle charging.
27. Restriction on hours of the gym to those specified within the Update List.
28. Details of external lighting of the site designed to mitigate the impact on biodiversity
29. Updated Travel Plan that reflects the development proposed (as per paragraph 10.36 of the considered report)
30. Details of crime prevention and security measures to be incorporated into the development (as per Police Architectural Liaison Officer comments).
31. Details of renewable energy measures to be incorporated into the development.

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(2) Secure a Section 106 agreement to cover the following matters:

1. £51,417 towards Education requirements arising from the development.
2. Contribution of £10,000 (originally towards Metro Cards) be allocated towards Highway and Pedestrian infrastructure improvements in the vicinity of the site.
3. Detailed scheme for the provision of the POS and future maintenance and management responsibilities of the POS and other open space areas within the site.
4. Future maintenance and management arrangements for the culverted watercourse and other surface water drainage infrastructure within the site and the mill pond.
5. Covenant not to use Block L for its established B2 use or any change from B2 as permitted under the Use Classes Order.

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

It was noted that should the Council receive further applications to change the use of the community gym the application will be presented to Strategic Planning Committee.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

1. A motion to refuse the application

For: Councillors Armer, D Firth and A Pinnock (3 votes)

Against: Councillors S Hall, Kane and Pattison (3 votes)

The Chair used his casting vote to defeat the motion.

2. A motion to accept the officer recommendation subject to amendments to the S106 (outlined above)

For: Councillors S Hall, Kane and Pattison (3 votes)

Against: Councillors Armer, D Firth and A Pinnock (3 votes)

The Chair used his casting vote to approve the officer recommendation.

12 **Planning Application - Application No: 2017/94337**

The Committee gave consideration to Planning Application 2017/94337 Listed Building Consent for conversion of listed building to form private gymnasium and demolition of curtilage buildings Washpit Mills, Choppards Lane, Cartworth Moor, Holmfirth.

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report including:

1. Time limit to implement the permission
2. Development in accordance with approved plans
3. Archaeological recording
4. Scheme of works to principal listed building

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: (0 votes)

Abstained: Councillor Armer

13

Planning Application - Application No: 2017/90620

The Committee gave consideration to Planning Application 2017/90620 Hybrid application – Planning application for demolition of existing buildings and erection of 2no workshop and ancillary office buildings (B1c/B8 use class) comprising a floor area of 880m² including mezzanine space, parking, access details and ancillary works. Outline planning application for the erection of up to 75no dwellings (Amended Description) Dobroyd Mills, Hepworth Road, New Mill, Holmfirth.

Under the provisions of Council Procedure Rule 37, the Committee received representations Nick Willock (agent).

Under the provisions of Council Procedure Rule 36 (1) the Committee received representations from Cllr Nigel Patrick and Cllr Ken Sims (Local ward members).

RESOLVED –

(1) Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to: ensure that the Environment Agency and LLFA are satisfied with the proposal; and to complete the list of conditions including those contained within the considered report and the update list including:

Outline Application

1. 3 year time limit to implement the permission.
2. Approved plans.
3. Reserved Matters.
4. Finished Floor Levels.
5. Boundary Treatments and details of materials.
6. Foul, surface and land drainage details to be submitted and agreed.
7. Overland flood routing details to be submitted and agreed.
8. Temporary flood routing details to be submitted and agreed.
9. Construction Method Statement.

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10. Remove PD rights for outbuildings and rear extensions to properties.
11. Habitat enhancement.
12. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
13. Crime prevention.
14. Electric charging points.
15. Parking spaces prior to occupation.
16. Lighting Strategy.
17. Ecological Enhancement Strategy and woodland strategy for pond area and across site.
18. Demolition method.
19. Phasing
20. Public Open Space details to be submitted at Reserved Matters

Full application

1. 3 year time limit to implement permission.
2. Approved plans.
3. Demolition Method Statement.
4. Parking areas to be provided prior to occupation.
5. Details of uses to be submitted and agreed.
6. Landscaping details to be provided and to be implemented and replaced if any trees die within 5 years.
8. Crime prevention.
9. Electric charging points.
10. Lighting Strategy.
11. Ecological Enhancement Strategy.
12. Opening/operating hours to be agreed.
13. Boundary Treatments.
14. Details of retaining elements and design.
15. Phasing to ensure employment units provided.
16. Natural local stone to be used in elevations of employment units.
17. Servicing arrangements to be submitted and agreed.

(2) Secure a Section 106 agreement to cover the following matters:

1. Education - £271,237 comprising £138,262 to Hepworth Junior and Infant School and £132,975 to Holmfirth High School
2. Affordable Housing – to be finally calculated having regard to vacant building credit and depending on the quantum of development proposed by the reserved matters.
3. New Mill Junction Improvements - A contribution of £33,880 plus a further £33,750 (to be confirmed at reserved matters stage) originally allocated towards Residential Metro Cards
4. £10,000 for a 'live' bus information display

(3) That, pursuant to (2) above, In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is

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authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors S Hall, Kane, Pattison and A Pinnock (4 votes)

Against: Councillors Armer and D Firth (2 votes)

14 **Planning Application - Application No: 2018/90074**

The Committee gave consideration to Planning Application 2018/90074 Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the Committee to undertake a site visit following the cancellation of the original site visit due to adverse weather conditions.

15 **Planning Application - Application No: 2017/93925**

The Committee gave consideration to Planning Application 2017/93925 Erection of 3 No. retail units and associated works (within a Conservation Area) Land at Junction of, Cemetery Road and Mayman Lane, Batley.

Under the provisions of Council Procedure Rule 37, the Committee received representations from Brendan Flood (objector), Gary Swarbrick (in support) and Helen Davies (applicant).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions contained within the considered report and the update list including:

1. 3 years to commence development
2. Development in accordance with approved plans
3. Samples of materials
4. Boundary treatments
5. Landscape scheme
6. Drainage conditions (surface water and foul)
7. De contamination, remediation and validation.
8. Highways conditions- parking provision and maintenance; deliveries and turning; production of Travel Plan
9. Lighting scheme
10. Noise attenuation (for neighbouring buildings possible hours of use restriction).
11. Crime prevention measures.
12. Eradication of Japanese Knotweed
13. Restrictions on the range of goods to be sold from each unit.

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14. The net retail sales area of unit 1 hereby permitted shall not exceed 1,858 sq m. The net sales area is defined as the sales area within the building (i.e. all internal areas accessible to the consumer) but excluding lobbies, restaurants/cafes, customer toilets and walkways behind the checkouts. Within the net sales area hereby permitted, no more than 372 sq m shall be used for the sale of convenience goods. The garden centre area shall not exceed 697 sq m. The net retail sales area of units 2 and 3 shall not exceed 743 sq m and 558 sq m respectively.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors Armer, D Firth, S Hall, Kane, Pattison and A Pinnock (6 votes)

Against: (0 votes)

16 Planning Application - Application No: 2018/90242

The Committee gave consideration to Planning Application 2018/90242 Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield.

RESOLVED –

That consideration of the application be deferred to allow the Committee to undertake a site visit following the cancellation of the original site visit due to adverse weather conditions.

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| KIRKLEES COUNCIL | | | |
| DECLARATION OF INTERESTS AND LOBBYING | | | |
| Strategic Planning Committee | | | |
| Name of Councillor | | | |
| Item in which you have an interest | Type of interest (eg a disclosable pecuniary interest or an “Other Interest”) | Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N] | Brief description of your interest |
| | | | |
| | | | |
| LOBBYING | | | |

| | | | | | | |
|------|----------------------|-----------------------------|-----------|----------|-----------|-----------------------------|
| Date | Application/Page No. | Lobbied By (Name of person) | Applicant | Objector | Supporter | Action taken / Advice given |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan comprises the Kirklees Unitary Development Plan (saved Policies 2007).

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 27th March 2012, the Planning Practice Guidance Suite (PPGS) launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 203 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2017/93886 Erection of extensions and alterations to convert existing building to student accommodation (within a Conservation Area) Co-op Building, 103, New Street, Huddersfield, HD1 2TW

APPLICANT

SKA Developments, C/O
Agent

DATE VALID

13-Nov-2017

TARGET DATE

12-Feb-2018

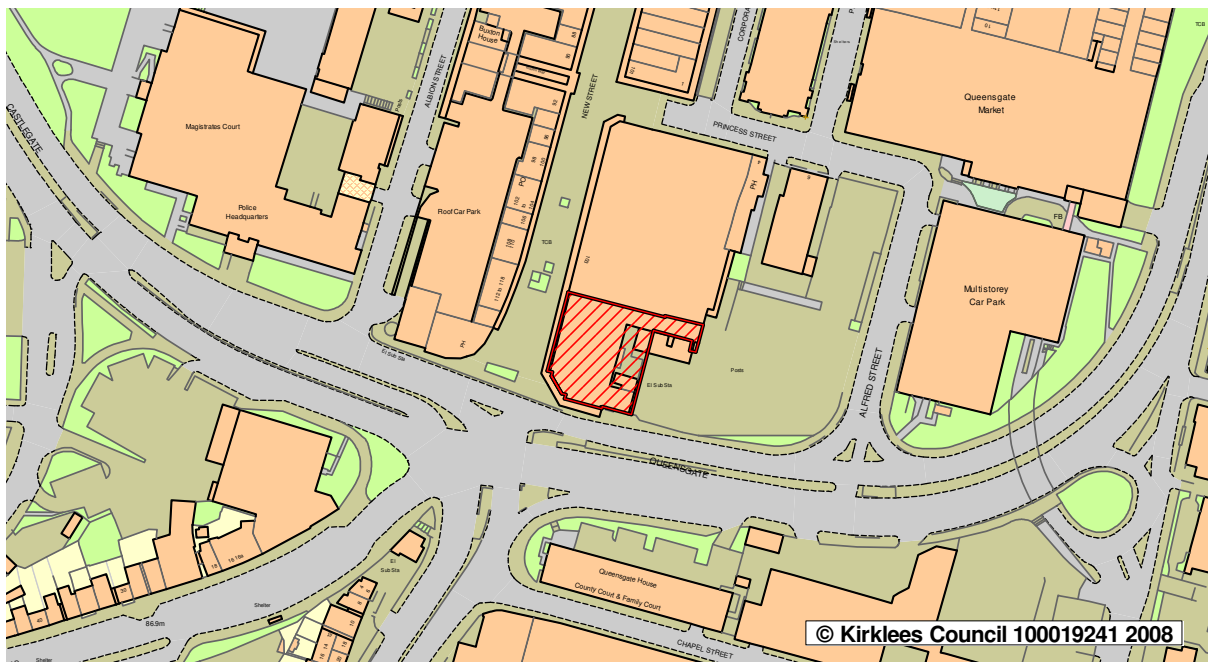
EXTENSION EXPIRY DATE

12-Apr-2018

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Newsome Ward

Yes

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report

1.0 INTRODUCTION:

- 1.1 The application is brought to Strategic Planning Committee due to the scale of the development proposed. The site is also currently under the ownership of the Council.
- 1.2 The scheme comprises the former Co-operative building. This building is not a Listed Building and currently benefits from a Certificate of Immunity which was recently renewed.
- 1.3 The building has been vacant for some time despite efforts to find a suitable use and occupier.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site occupies a prominent gateway position on the edge of Huddersfield Town Centre just within the confines of the ring road. The site lies in Huddersfield Town Centre Conservation Area.
- 2.2 The building is four stories in height, has a rectangular form and comprises an extension to the original Co-operative building. The original building, built in 1893, is attached located behind the application site. The building which is the subject of this application formed an extension to the original Co-operative building and was built in approximately 1936. The design of the extension is a 1930's modernist architectural approach which contrasts with the late Victorian Baronial style of the original building. Window openings at first and second floor are flat to the building façade. At third floor fenestrations have more of a vertical emphasis and are significantly recessed from the front elevation. The predominantly horizontal emphasis of the building is broken by the canted corner block. Elements of architectural detailing are evident in the stone coursing above second storey level. In contrast the rear of the building is incoherent and is dominated by red brick and horizontal fenestration. This element is particularly prominent from the east when travelling along Queensgate. A blue painted canopy wraps round the building above ground floor level.
- 2.3 The site is bounded to the west by New Street and Alfred Street to the east. The ground floor or the adjacent Co-operative building is utilised by Wilkos retail. There are a range of other retail units along New Street including a Post Office.
- 2.4 Access to the building and parking for vehicles is taken via an existing public car park off Alfred Street to the rear.

3.0 PROPOSAL:

3.1 The scheme comprises the change of use of the existing building and a three storey vertical extension to the existing building in order to create the following:

- Student accommodation with 75no units set over a total of 7 storeys (including basement floor) which would provide a total of 135 bedrooms. The scheme would provide clusters of 3 and 4 bedrooms with a communal kitchen/lounge area. Each floor includes a combination of one bedroom, and two bedroom studios, with a one bedroom self-contained apartment.
- The current height of the building is approximately 17.7m to eaves. The proposed extension would be approximately 9.1m (although set slightly below a parapet). The total height of the building would be 25.5m.
- Renovation of the existing building both internally and externally including removal of the canopy.

3.2 The proposal is predicated on the basis that the market demand for student accommodation continues due to the success of Huddersfield University. The applicant has been responsible for a number of student accommodation schemes in and around the town centre, including 'Standard House'. Experience of these schemes and evidence presented with this application suggests that the accommodation would be high quality in terms of the internal layout and provisions. In addition, it is noted that the use of the building provides some flexibility moving forwards to accommodate apartments on the open market if market signals indicate a reduction in student accommodation demand.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 Certificate of Immunity from Listing – granted in approximately November 2017.

2006/92616 – Demolition of building - withdrawn

2002/93282 – Installation of new shop front, rear escape and roof plant – planning permission granted.

2002/94005 – Erection of illuminated signs – consent granted

2000/93149 – Change of use of retail store to restaurant – planning permission granted.

2000/93306 – Change of use to public house – planning permission granted.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The scheme was subject to detailed pre-application advice. Amended plans were received during the preapplication stage to improve the design and appearance of the development and advice was provided to the applicant. The pre-application was brought to Strategic Planning Committee on 10th August 2017.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The

weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2
 - BE1 – Design principles
 - BE2 – Quality of design
 - BE11 – Materials
 - BE9 – Archaeological value
 - BE10 – Archaeological evaluation
 - BE12 – Space about buildings
 - BE23 – Crime prevention
 - T1 – Transport strategy
 - T10 – Highway safety
 - T16 – Safe pedestrian routes in new developments
 - T19 – Parking standards
 - H1 – Housing Needs of district
 - H18 – Provision of open space
 - G6 – Land contamination
 - EP4 – Development and noise
 - EP11 – Landscaping and ecology
- 6.4 The site remains unallocated in the Draft Publication Local Plan but forms part of the Town Centre and falls within the Primary Shopping Area and Primary Shopping Frontage.
- 6.5 Kirklees Publication Draft Local Plan Policies: Submitted for examination April 2017:
 - PLP1 Presumption in favour of sustainable development
 - PLP3 Location of new development
 - PLP7 Efficient and effective use of land and buildings
 - PLP8 Safeguarding employment land and premises
 - PLP10 Supporting the rural economy
 - PLP13 Town centre uses
 - PLP14 Shopping frontages
 - PLP17 Huddersfield Town Centre
 - PLP 20 Sustainable travel
 - PLP21 Highway safety and access
 - PLP22 Parking
 - PLP23 Core walking and cycling network
 - PLP24 Design
 - PLP27 Flood Risk
 - PLP28 Drainage
 - PLP30 Bio diversity and geodiversity
 - PLP32 Landscape
 - PLP33 Trees
 - PLP35 Historic Environment
 - PLP51 Protection and improvement of air quality
 - PLP52 Protection and improvement of environmental quality
 - PLP 53 Contaminated and unstable land
 - PLP63 New open space

6.6 National Planning Policies:
National Planning Policy Framework:-

Core planning Principles

NPPF Chapter 1 Building a strong, competitive economy

NPPF Chapter 2 Ensuring the vitality of town centres

NPPF Chapter 3 Supporting a prosperous rural economy

NPPF Chapter 4 Promoting sustainable transport

NPPF Chapter 6 Delivering a wide choice of high quality homes

NPPF Chapter 7 Requiring good design

NPPF Chapter 8 Promoting healthy communities

NPPF Chapter 9 Protecting Green Belt land

NPPF Chapter 10 Meeting the challenge of climate change, flooding and coastal change

NPPF Chapter 11 Conserving and enhancing the natural environment

NPPF Chapter 12 Conserving and enhancing the historic environment

Supplementary Planning Guidance / Documents:

West Yorkshire Air Quality and Emissions Technical Guidance

National Planning Guidance:

Planning Practice Guidance

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised on site and in the local press. Letters were sent to nearby properties. A total of two objections have been received. The comments are addressed in the main body of the officer report:

- *With this application the Civic Society is “between a rock and a hard place”: we dislike many aspects of this proposal, but are aware that this is the only application that has been made to save this iconic building which could be lost if re-use and renovation are not carried out. We have scrutinised the proposals and consider that they require significant changes and improvements.*
- 1. *Anomalous materials. There is a contradiction in the application: the plans show ashlar as the facing material for the extended stairwell and the walling facing the ring-road, but the palette of materials in the Design and Access Statement (page 10) does not list ashlar at all, “Ibstock Express Cladding” is shown in its place. Natural stone must be used to match the existing local ashlar to satisfy UDP Policy BE11 and NPPF Paragraph 60 and Draft Local Plan Responses page 156. An email to the agent requesting clarification of this contradiction has not elicited a response.*
- 2. *Design. The geometrical integrity of the existing Art-Deco building with its strong horizontal and vertical elements, projecting continuous bands, mullions, cills, lintels and banded fenestration is not respected in the current plans. The additional floors should reflect the current design where a continuous cornice may help strengthen a rather weak elevation. The extension of the chamfered corner at the New Street/Ring Road junction requires better definition of the vertical elements by the use of projecting mullions and possibly the replacement of the ground floor glazed panels with ashlar columns. The colours of the light-weight materials proposed for the roof extensions do not complement the palette of the natural stone and should be changed.*
- *Objection from Huddersfield Gem - The 1937 Co-operative Extension holds a special place in Huddersfield’s townscape; proud, prominent and positioned with a vista. The Huddersfield Gem has long wished to see this fine modernist building being brought back into use and we support its listing, alongside Huddersfield Civic Society, the Manchester Modernists and The Twentieth Century Society.*

We are delighted to have the news that the building was to have a new use and in principle, Huddersfield Gem is supportive of the proposed new use and believe the building has great potential for a conservation-led development scheme. Unfortunately, for a number of reasons we are unable to support the proposals. We consider that the submitted plans will cause substantial, irreversible and poorly justified harm to this non-designated local heritage asset, to the setting of the adjacent Victorian and Edwardian co-operative building and to the wider designated conservation area.

The proposed extension is a poor quality design which demonstrates no sensitivity to the original building. By virtue of its substantial height and varied massing across the roof-scape, it will compromise the proportions of the existing. The large glazing panels proposed to the façade of the tower are particularly incongruous, but the extension proposed to terminate Queensgate will dwarf and detract from the glazed stairwells – showpieces of the composition. The choice of colour and material is wholly unsuitable, and will make a crude contrast with the soft natural palette of the original building. The unique and highly decorative corner flagpole elements will become meaningless.

We are concerned that the ground floor is to be residential. Apart from noise to the residents the need for privacy will make the street level elevation dead, degrading the conservation area, pedestrianised New Street experience.

The town centre conservation area is extended to include the building and only the building, it is not as if the building is incidental to any other asset. Here the building is the conservation area. The conservation area is the building.

The conservation area is notable for the low level of the elevations within the town centre. Although the existing building departs slightly from this in its fourth level, this is deeply recessed and so allows the co-operative to blend in and preserve its relationship to the street and to the wider character of central Huddersfield. We consider that for the reasons given above, the proposed extension will also have a visible, detrimental impact on the conservation area.

Extensions and alterations should preserve or enhance the special character of the conservation area and its setting. This proposal fails to do so and only brings harm. A strength of the application is the proposed removal of the canopy to the ground floor windows. This we applaud and hope the keepers of other parts of the Co-operative building can follow.

We have seen no indication as to how the existing upper-floor interior wall finishes are to be respected.

Overall Huddersfield Gem considers that this is a major and poorly conceived damaging and harmful overdevelopment, and by virtue of its size, design and heavy materiality is unacceptable in planning terms.

We strongly recommend that this scheme is significantly reduced, set back and simplified. The existing building has strong horizontal and vertical elements defined by projecting continuous bands, mullions, cills and lintels. This element could be better defined on any additional floors. Part of the building's strength is in its understated detailing and typography cladding panels proposed used to surround part of the extension, especially that section facing the ring road are necessary. The building's strength is in its understated detailing and typography – this cheapens it. The stairwell fenestration requires more respect and sympathetic treatment. Extensions should not cheapen the whole.

UDP Policy BE11 and NPPF Paragraph 60 and Draft Local Plan Responses page 156 all lead to the need for natural stone being used in such a development.

- *The proposal to add 3 extra floors is not in keeping with neighbouring buildings. It is way too tall. Mass is too bulky. No active public street frontage. Ground floor at least should have a public use.*

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways – No objection subject to clarification and detail concerning bin collection points and servicing.

Historic England – *The proposed design of the windows on the rooftop extension has been amended which we welcome. However, the size of the rooftop extension at three storeys is still of considerable concern. Given that this aspect of the proposals would be harmful to the conservation area and the setting of the adjacent listed buildings, your authority should be satisfied that the viability of the scheme constitutes the "clear and convincing justification" which is required for this harm by paragraph 132 of the National Planning Policy Framework.*

We previously advised that the impact on the surrounding heritage assets could be further reduced through attention to details and materials. We therefore welcome the changes to the window design. We note, however, that the extension is still proposed to be clad in grey metal cladding with red accents. We recommend this is amended to a darker tone cladding, ideally a dark bronze colour as is seen in a number of other buildings in the conservation area and which tones better with the stonework of the Co-Op building and the surrounding listed buildings.

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 129, 132 and 134 of the NPPF. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice.

8.2 Non-statutory:

Yorkshire Water – No observations required.

Conservation and Design – No objection in principle.

I am comfortable with the window changes which have a more vertical emphasis as well as providing the sill/ head detail I requested. In terms of the cladding, I feel more info is needed over the colour and the treatment of the end corner. We need at least to see a sample or a colour chart reference to ensure the blend is right. I am not convinced over the colour treatment of the corner which I think should be the same as the remaining areas of cladding rather than being a feature.

Environmental Health – No objection subject to a condition relating to a ventilation scheme and noise report and attenuation.

Biodiversity Officer – Ecological enhancement is required in relation to swifts.

Lead Local Flood Authority – Comments have been provided but as there is no change to the existing drainage situation, it is not considered necessary to consider surface water drainage as part of this proposal.

Crime Prevention – No objection subject to a condition.

9.0 MAIN ISSUES

- Principle of Development
- Urban Design/Heritage Issues
- Residential Amenity/Future Occupiers
- Highway issues
- Ecological Issues
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The site is on unallocated land on the Unitary Development Plan (UDP) proposals map and, therefore, Policy D2 is applicable. Policy D2 of the UDP states “planning permission for the development ... of land and buildings without specific notation on the proposals map, and not subject to specific policies in the plan, will be granted provided that the proposals do not prejudice [a specific set of considerations]”. The site also lies in Huddersfield Town Centre and the use of the building for residential would be acceptable in principle, representing a town centre use in the NPPF. In the PDLP the site lies within the Principal Town Centre boundary where non-food retail uses are encouraged. The site is also identified as a primary shopping frontage and PLP14 seeks to ensure that at street level, proposals seek to continue retail uses in order to retain vitality and viability. The policy goes on to state that other town centre uses may be appropriate subject to a number of criteria, including ensuring that any change of use does not detract from the primary shopping nature of the frontage, the existing proportion of retail uses, the level of unit vacancy. In all cases the use should seek to retain, enhance or replace to improve shop front design and layout.
- 10.2 The site forms brownfield land. The NPPF encourages the use of brownfield land for development. The site lies within the confines of the town centre and is considered to represent a wholly accessible location by different modes.
- 10.3 In terms of the lack of ground floor retail on offer; it is noted that the existing building is redundant and offers no interaction with the street. The applicant explored the possibility of including a non-residential element but considered that the proposal offered the most viable option. The site is also located at the end of the shopping parade thus the impact of having no active retail frontage is perhaps less than it otherwise would be if the building was located in the centre of the shopping parade. It is considered that the lack of retail frontage in this case is justified by the viability submission (see viability).
- 10.5 The applicant has submitted information to demonstrate that the building has been redundant for a significant period of time and has been actively marketed. No end user has been found. The applicant has submitted a viability appraisal in order to demonstrate that the works proposed are necessary to bring the building back into viable use. This is a significant material consideration.

Viability and Context

- 10.6 The existing building has been largely vacant for a considerable period of time. The last notable use of the building was in 2004 when it was used as a nightclub. In

approximately 2007 the building was purchased by Kirklees Council but a suitable use for the building could not be found. In approximately 2014 the building was marketed with the resultant bidding exercise culminating in a scheme and bid which was previously presented to Strategic Planning Committee as a pre-application item (August 2017). The current application represents a response to the pre-application feedback provided by the Council.

- 10.7 It is clear from the applicant's development/viability appraisal that the costs of enabling the building for any use are significant. Such works include making the building wind and water tight, roof repairs, cladding repairs, windows and rainwater goods. Works would also include making good part of the ashlar stone which have degraded.
- 10.8 The applicant has run a viability exercise considering a change of use of the building to student accommodation without any extension. It is clear from the submission that a simple conversion of the building would be significantly unviable; this also includes conversion works at basement level.
- 10.9 A further appraisal was run on the basis of the conversion of the existing building (including basement) along with the construction of three additional floors. The appraisal has been assessed by the Council and whilst the final report is still pending, an interim report concluded that the *"the scheme is viable but without any S106 contributions and as the level of residual profit is at the lower end of industry expectations"*.
- 10.10 A final viability report assessed by the Council will be presented to planning committee as an update. However, based on consideration of the information submitted and taking advice from the Council's appointed assessor, the conversion of the existing building without extension to the use proposed is not viable and therefore the extension as proposed represent the minimum required in order to bring the building back into viable use for student accommodation.

Urban Design/Heritage issues

- 10.11 In accordance with the statutory duty set out in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA), special regard must be paid to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they may possess. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets. Policy PDLP55 reflects the NPPF in respect of heritage assets.
- 10.12 Para 131 of the NPPF states local planning authorities should take account of:
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation.*
- 10.13 The site is rectangular and located on the southern edge of Huddersfield Town centre. It consists of a redundant building with an area of hardstanding/servicing area to the rear. The Conservation Area boundary is covers a large proportion of the centre of Huddersfield Town centre and extends to the south along New Street incorporating the Co-operative building. In broad terms, the site is bordered by the original Co-operative building to the north which, although not listed, is clearly an important part of the Conservation Area and makes an important contribution to its significance. This original building dates from the Victorian period with intricate, impressive detailing and features drawing on baronial/castle influences. The original building includes a clock tower which is a notable feature, particularly on the approach to the building from Chapel Hill. Conversely, the extended Co-operative building (the application site) appears relatively stripped back in terms of its architectural approach with cleaner lines, more vertical emphasis

- 10.14 The scheme has evolved throughout the application process and amendments have been made to address the comments received from objectors and consultees. Officers particularly raised concerns relating to the materials and design of the proposed extension. The applicant responded to these concerns by altering the design of the windows on the proposed extension. A 'bronze' cladding is now proposed. The existing canopy at ground floor level would be removed.
- 10.15 The Huddersfield Town Centre Conservation Area is of significance and includes a vast number of listed buildings, some of which are Grade II* which contribute to its character. The railway station within the Conservation Area is a Grade I listed building. The attached Co-operative building is not listed and the proposed building has been granted an immunity from listing. However, there are notable listed buildings in relatively close proximity, including the Town Hall. The original Huddersfield Town Centre Conservation Area was extended in a southerly direction to incorporate the application site and adjacent original Co-operative building. Therefore, and on the basis of the prominence of the application site building, its position and architecture, it is considered that the application site makes a significant contribution to the character of the Huddersfield Town Centre Conservation Area.
- 10.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty to have special regard to the desirability of preserving listed buildings or their settings. Section 72 of the Act, which relates to the character or appearance of a conservation area. Policies BE1 and BE2 of the UDP focus on good quality design. Chapter 7 of the NPPF focuses on good design, chapter 12 relates to heritage assets.
- 10.17 Para133 of the NPPF is clear in relation to a development which would lead to less than substantial harm to or total loss of significance to a heritage asset. In such circumstances, planning permission should be refused unless it can be demonstrated that such loss is outweighed by substantial public benefits or all conditions as set out in para133. Paragraph 134 states that where a proposal will lead to *less than substantial harm* to the significance of a designated heritage asset, such harm should be weighed against the public benefits of the proposal, including its optimum viable use. Paragraph 132 states that when considering the impact of a proposal on the significance of a designated heritage asset, '*great weight*' should be given to the asset's conservation. This wording reflects the statutory duty in sections 66(1) and 72(1) of the Act. Paragraph 137 of the NPPF states that Local Planning Authorities should look for opportunities for new development within a CA to enhance or better reveal their significance; where this is the case and elements of the CA are preserved then this should be treated favourably.
- 10.18 There is no doubt that the proposed extensions would represent a significant increase to the height of the existing building by a further three storeys, to an already large and prominent building. The extension would be particularly prominent on approach from the south along Chapel Hill which represents a short and middle distance view. The building would also be prominent along New Street where it would be juxtaposed against the original Co-operative building both in terms of design and height. There would be other notable views from within the Conservation Area; although prominent views would be less universal owing to existing buildings and structures which would reduce views of the building in the more heavily built up town centre. Tall and large building are not uncommon to the town centre and the surrounding area, although it is acknowledged that those in the immediate vicinity would generally be smaller than the proposed building. Buxton House which lies a short distance to the west is a significantly larger building rising significantly higher than the proposed development. From the south in particular the proposed development would be viewed partially against the backdrop of this larger building.
- 10.19 When viewed from the east the rear of the existing building is prevalent and appears to be rather unsightly as it has been neglected and does not contribute appreciably to the wider Conservation Area. The proposed development would ensure that the

existing building was repaired thus improving its appearance and the contribution this part of the building makes to the wider Conservation Area.

- 10.20 The amended scheme is considered to have addressed para 129 of the NPPF which requires Local Planning Authorities to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. In this regard the amendments include an alteration to the proposed window style so that they are more reminiscent of the window proportions associated with the existing building and have a definite vertical emphasis. Further detail has been provided in respect of the cladding which would be a bronze colour. These alterations have satisfied Historic England in terms of ensuring the identified conflict with the heritage assets is minimised. In addition to the above, the proposed design is recessed behind a parapet and includes a continuous cill band above each of the proposed room windows. The proposed stair tower would comprise a newly extended corner of the building which would be a heavily glazed position above the existing ashlar column (which currently has thin vertical window strips). This would clearly distinguish between the 'old' and the 'new'. Overall, the more contemporary approach to the extension is considered to compliment the historic materials and design associated with the existing architecture of both the original Co-operative building and the host building.
- 10.21 Concerns expressed regarding the impact on the clock tower which is positioned on the original Co-operative building have also been addressed as far as practicable. The scheme retains views of the clock tower on approach to the site from Chapel Hill. However, it is accepted that the height of the building as proposed would be significantly more dominant when viewed along New Street. Nevertheless, the existing Victorian/Edwardian architecture of the original Co-operative building already contrasts with the existing application host building. The juxtaposition arising from the proposed development would allow the Victorian/Edwardian architecture to be read distinctly separately from the proposed development site and the proposed extension would tie in more closely with the extended Co-operative building (application site) as opposed to the original. It is not considered that the impact on the original Co-operative building would be so extensive so as to significantly undermine its significance as part of the Huddersfield Town Centre Conservation Area.
- 10.22 It is considered that the impact of the proposed development would represent 'less than substantial harm' to the significance of the Conservation Area and the setting nearby listed buildings. In terms of public benefits, it is realised that the building has continued to suffer from neglect and has been vacant for a period in excess of 13 years. The submitted viability report demonstrates that the extension of the building is necessary to bring it into viable use (a final response from the Council's appointed assessor will be reported as an update). It is also considered that the increase in footfall arising from the use of the building would likely be beneficial to this part of the town centre thus resulting in an economic benefit.
- 10.23 Consequently, it is considered that subject to suitable materials being agreed, the less than substantial harm to the character of the Huddersfield Town Centre Conservation Area and the impact on the setting of nearby listed buildings is outweighed by the public benefits and securing the optimum viable use of the building and, therefore, the application satisfies the requirements of para 134 of the NPPF.

Residential Amenity/Future occupiers

- 10.24 Policy BE12 of the UDP sets out the Council's policy in relation to space about buildings. New dwellings should be designed to provide privacy and open space for their occupants and physical separation from adjacent property and land. PLP24 of the PDL requires developments to provide a high standard of amenity for future and neighbouring occupiers.

10.25 Para 123 of the NPPF indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

10.26 The proposed development would not result in significant impacts for existing properties due to its location.

10.27 In respect of PLP24 the scheme would provide sufficient light for future occupiers and each of the rooms is well proportioned. The 2no basement units would be lit by a long lightwell which would be positioned at ground floor level at the rear of the building. Ground floor units facing New Street would be set behind a false front so that there would be no direct loss of privacy for the occupiers closest to New Street.

10.28 The application has been accompanied by an Air Quality Assessment which has been assessed by Environmental Health. It is recommended that a condition be imposed concerning mechanical ventilation for those units facing the ring road.

Highway Issues

10.29 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network.

10.30 No off street parking has been provided but the proposal is for student accommodation which is considered a low traffic generator, the site is also located in a sustainable location.

10.31 Plans have been submitted showing that the building would be serviced off Alfred Street through the existing car park. The rear of the building would contain bin stores which would back onto a service yard adjacent to the car park off Alfred Street. This service yard area is also used by Wilko's adjacent. There are no objections in principle to the scheme subject to additional detail in order to ensure that the bin storage area and potential conflict with Wilko's is addressed.

Ecological Issues

10.32 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network.

10.33 The ecologist has identified a potential impact on Swifts and, therefore, a condition is recommended concerning biodiversity enhancement measures.

Other Issues

10.34 The Police Architecture Liaison Officer raises no objection to the proposed development subject to a condition requiring details of access control to the building. The application is considered to comply with policy BE23 of the UDP.

10.35 As the scheme comprises accommodation for students, no affordable housing or education contribution is required in this case.

11.0 CONCLUSION

- 11.1 Paragraph 14 of the NPPF states that the presumption in favour of sustainable development applies. Paragraph 14 of the Framework explains how the presumption in favour of sustainable development applies. Where the development plan is absent, silent or the relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework may indicate development should be restricted. Those relating to heritage assets are one such category. Paragraph 134 of the Framework requires the harm to the significance of designated heritage assets to be balanced against the public benefits of the proposal.
- 11.2 In this case the proposal constitutes a three storey extension which would be prominent from a number of vantage points. However, the impact of the scheme has been refined to incorporate positive design elements which work to reduce the overall impact on heritage assets. The contemporary use of materials set within a more traditional design approach is considered to represent an appropriate response to the sensitive local vernacular and local heritage assets. The benefits of the scheme include securing the optimum viable use of the building and bringing back into positive use a building which has suffered from physical neglect. The use of the building as student accommodation would positively impact on this part of the town centre by increasing economic activity. The increase in housing supply at a time when the Council are unable to ensure a five year supply is also a significant positive. The less than substantial harm to the heritage assets identified is considered to be outweighed by the public benefits in accordance with paragraph 134 of the NPPF.
- 11.3 All other matters have been adequately addressed. Subject to the conditions below the proposed development is considered to represent sustainable development.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 years
2. Approved Plans
3. Materials including method statement, details of windows
4. Strategy for renovating existing building and details of all works including a phasing agreement.
5. Details of servicing and bin storage
6. Details of plant
7. Biodiversity enhancement
8. Crime Prevention
9. Occupation by students only
10. Construction Management Plan

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93886+>

Certificate of Ownership – Notice served on Kirklees Council. Certificate B signed:

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2018/90586 Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations Land to the west of Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield

APPLICANT

Natacha Killin, Keepmoat
Homes Limited

DATE VALID

15-Feb-2018

TARGET DATE

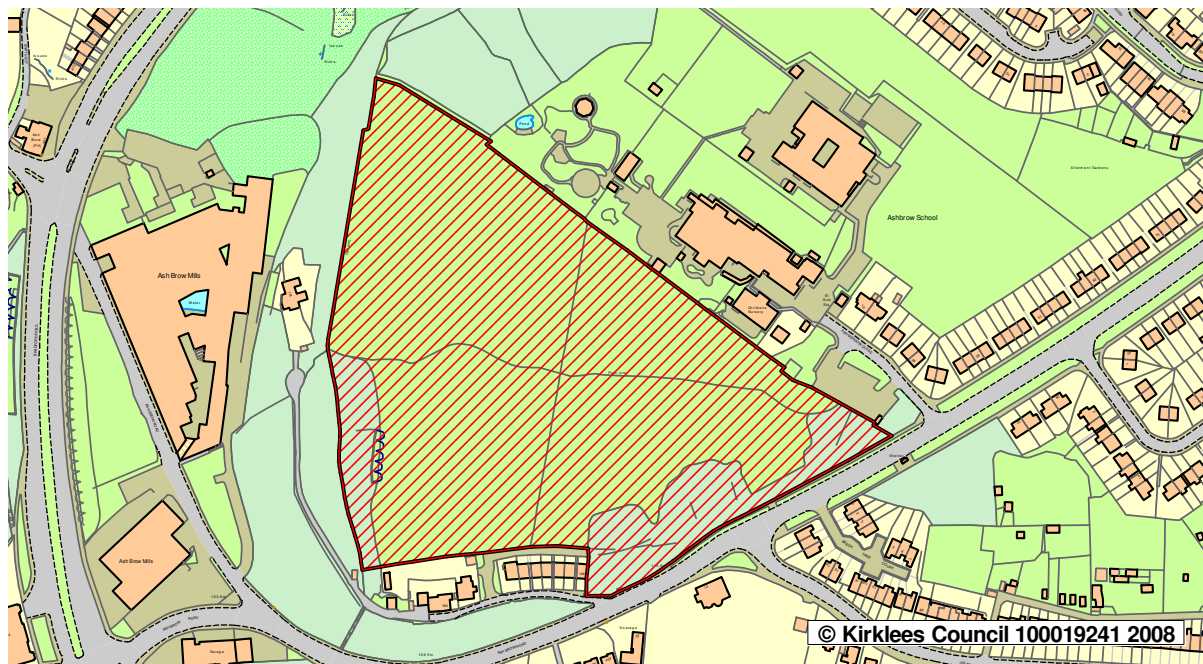
12-Apr-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected:☐ YesWard Members consulted
(referred to in report)**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

1. Public open space provisions including off site commuted sum of £120,750 in lieu of equipped play and future maintenance and management responsibility of open space within the site.
2. £271,818 towards Education (Ashbrow and North Huddersfield Trust School)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought before Strategic Planning Committee due to the scale of development proposed.
- 1.2 This site is currently owned by the Council. Whilst the applicant are Keepmoat Homes, they have entered into a Development Agreement with the Council. Terms of the Development Agreement include that the extra care facility will be handed to the Council. The Council would then provide the extra care facility for social rent.
- 1.3 The Development Agreement also proposes to provide affordable housing across the site as set out in this officer report.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises a domed, naturally regenerated area of land located in a predominantly urban area. It is populated by a combination of grass, trees and shrubs. Access to the site would be taken from an existing mini-roundabout which splits Ashbrow Road and Bradley Boulevard. The land rises up by approximately 14m from the road to the centre of the site. The lower parts of the south facing slopes are covered in protected trees.

- 2.2 Immediately to the east of the site lies Ashbrow Infant and Nursery School. To the north west of the site lies an extensive area of woodland where the land slopes down towards Bradford Road.
- 2.3 There are a business/manufacturing uses on lower land to the west at Ashbrow Mills. There are terraced properties facing the slopes of the site to the south on Ashbrow Road.
- 2.4 There are public footpaths both within and just outside the application site to the south west and west.

3.0 PROPOSAL:

- 3.1 The application can be split into two distinctive proposals. The largest proportion of the site is proposed to be developed as follows:
- Erection of 110 dwellings comprising 29no 2 bed units, 59no 3 bed units, 22no 4 bed units. A total of 13 of these units would be affordable housing.
- 3.2 Within this portion of the site it is proposed to private parking in curtilage (driveways) with a proportion of on-street visitor parking provided for in small parking bays positioned within the highway.
- 3.3 Most properties would be two storey with a small number of three storey dwellings. To take into account level differences across the site a number of dwellings would include stepped/split level gardens.
- 3.3 Public Open Space (POS) is proposed in the centre of the site which includes a landscaped area, footpath and benches with a small proportion of POS positioned in the North West corner.
- 3.4 The eastern portion of the site is to be developed as a 50 apartment extra care facility comprising 45no 1 bed units and 5no 2 bed units. These properties would be Council properties, social rented.
- 3.5 The building would be split into two large three storey blocks which would be joined by a single storey entrance/ communal area located approximately centrally. Due to the ground levels and contours of the site in this location the Extra Care scheme would be split level, with the southern wing forming a lower ground level.
- 3.6 Parking for residents is proposed along with a private garden/landscaped area for use by occupiers of the facility.
- 3.7 Access to both elements of the scheme would be taken via a spine road which would be taken off Ashbrow Road with the point of access connecting to an existing mini-roundabout located to the east.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/93625 – Outline application for residential development, formation of access – approved.

2011/90578 – Extension of time limit to previous permission (2005/92285) for outline application for residential development – approved.

2005/92285 – Outline application for erection of residential development – approved.

2001/90214 – Renewal of unimplemented outline approval for residential development - refused

97/93483 – Outline application for residential development – approved.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 The application has been amended whilst being processed:

- The application proposes a woodland path to link the extra care facility to Ashbrow Road.
- Plot no's 8 – 11 have been adjusted so that the gable lies 13m from the existing properties and the path linking the site close to these properties has been removed.
- Additional details of the Public Right of Way diversion have been provided.
- Additional/altered landscaping.

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

- The site constitutes a Housing Allocation and Urban Greenspace in the Unitary Development Plan.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

H1 - Housing Need

H10/12 - Affordable Housing

H18 - Provision of Open Space

BE1/2 - Design and the Built Environment

BE11 - Building Materials – Natural Stone in Rural Area

BE12 - New dwellings providing privacy and open space

BE23 - Crime Prevention Measures

EP10 - Energy Efficiency

EP11 - Landscaping

T1 - Sustainable Transport Strategy

T10 - Highways Safety / Environmental Problems
T16 - Pedestrian Routes
T19 - Off Street Parking
G6 - Contaminated Land

- The site constitutes a Housing Allocation in the Publication Draft Local Plan.

Kirklees Draft Local Plan Strategies and Policies (2017):

PLP3 – Location of New Development
PLP7 – Efficient and effective use of land and buildings
PLP11 – Housing Mix and Affordable Housing
PLP20 – Sustainable Travel
PLP21 – Highway safety and access
PLP22 – Parking
PLP24 – Design
PLP27 – Flood Risk
PLP28 – Drainage
PLP30 – Biodiversity and Geodiversity
PLP32 – Landscape
PLP35 – Historic Environment
PLP48 – Community facilities and services
PLP51 – Protection and improvement of local air quality
PLP52 – Protection and improvement of environmental quality
PLP61 – Urban Green Space
PLP62 – Local Green Space
PLP63 – New Open Space

6.2 Supplementary Planning Guidance / Documents:

- Providing for Educational needs generated by new housing
- Interim Affordable Housing Policy
- West Yorkshire Air Quality and Emissions Technical Planning Guidance
- Kirklees Landscape Character Assessment (2015)
- Kirklees Housing Topics Paper (2017)
- Planning Practice Guidance

National Planning Guidance:

- 6.3 Paragraph 7 – Sustainable Development
Paragraph 17 – Core Planning Principles
Chapter 4 – Promoting sustainable transport
Chapter 7 – Requiring good design
Chapter 8 – Promoting healthy communities
Chapter 10 – Meeting the challenge of climate change, flooding and coastal change
Chapter 11 – Conserving and enhancing the natural environment
Chapter 12 – Conserving and enhancing the historical environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised on site and in the local press as a Departure from the Development Plan. The expiry date for the press notice is 6th April 2018. At the time of writing the officer report, the following comments had been

made on the application. Further comments will be reported to committee as an update:

- This is currently an open area of grassland and trees and forms a haven for wildlife in the area. Construction on this site would form a belt of housing/buildings across the top of Ashbrow Road, The constant erosion of green sites is a huge concern, and is not required with so many areas of wasteland and houses in Huddersfield lying empty or unused for many years. The current road system could not cope with this additional load, with I assume the exit to Bradford road which is already very busy and dangerous.

Officer response – response provided in the ecology section of this report.

- The mini roundabout located on Bradley Boulevard is at a considerable lower position than that of the main area of housing. The survey drawing 12526-223_2DT(4) shows a rise of over 3m immediately as the site is entered, my concern is what gradient the road and therefore the pavement would be. Any gradient of more than 1:12 is (when not a highway) seen as a ramp. Where a pavement is sloping (greater than 1:60) and turns it results in a camber across the pavement. This is problematic for both wheelchair users and those with ambulant disabilities. Given that there is a care facility on site and that this is the only pedestrian route out; care should be taken to provide pavements suitable for all abilities to access the bus stops in particular. BS8300:1 2018 External environment 8.1.4 recommends that access routes should not be steeper than 1:20 and where access is designated as a ramp steps, should be provided as an alternative. To encourage the use of public transport and walking ensuring that the approach road and associated pavements are sufficient in width and are safe to use will be important. This is true for all residents including those with disabilities or people with small children.

Officer response – it is acknowledged that the site is impeded by level differences. The point of access is also fixed. That makes providing shallow gradients to properties and the care facility challenging given that the site rises by approximately 14m from the existing roundabout to the centre of the site. However, the NPPF requires local planning authorities to take into account the need to design inclusive development. It is also acknowledged that future residents of the extra care facility are also more likely to require a suitable route for mobility impaired in order to access bus facilities etc. The latest layout plan shows a path directly from the extra care facility to Bradley Boulevard. There are potential issues in providing this pathway due to the protected trees within this section of woodland and the potential for the path to require the removal of some trees. A full update will be provided to planning committee following further consideration of this issue in consultation with the tree officer.

- I am a concerned resident (160 Ashbrow Road) on many levels, not least of which is the impact the development will have on the huge variety of wildlife that currently resides on that land. I am also concerned that the new estate will obscure the daylight at the rear of mine and my neighbours property and about the impact a long term development will have on the peaceful environment currently enjoyed by we local residents. One of the main reasons I bought this property 17 years ago was because of its secluded position yet close proximity to local amenities. I fear this new development will infringe upon our homes and privacy – particularly as I see on the plans a set of steps leading down from the development onto the private road by our homes. What is this for and why is it necessary? To me it opens up the possibility of increased footfall and thereby

increased crime opportunities. I also do not relish the prospect of much greater traffic in the general vicinity. It is already a very busy road and the proximity of Ashbrow School presents a real risk of increased child accidents. Added to all this my initial concerns about the wildlife.

Officer response – The proposed dwelling would be sited in excess of the Council's spacing standards set out in policy BE12 of the UDP. The applicant has amended the scheme to maximise the amount of achievable space between no160 and the nearest proposed dwelling. Landscaping is also proposed to soften the impact (see residential amenity section). In terms of the footpath link, this has been removed from the latest layout and defensive planting is proposed to discourage people to utilise the gap near no160 as a link to the site. There are no objections to the scheme from a highways perspective and planning permission has previously been granted for residential development on this site. Ecological matters are covered in the ecology section of this report.

- I object to this application and would therefore like to bring the following material planning considerations to your attention: - *Overlooking/loss of privacy for 174 Ashbrow Road*, especially from plots 28 and 29 - Capacity of the physical infrastructure again in relation to plots 28 and 29 and their private drive to the North. It is unclear from drawing 114509-PC-2003-D where storm water drainage will run off the site at this location (which slopes downwards in the direction of our property) and therefore the impact that may have on our property and access to it along the section of HUD/381/20 to the South West of the site – Highway issues caused by the potential misuse of HUD/381/20 to the South West of the site as overflow parking which is then accessed via the Western pedestrian entrance adjacent to 174 Ashbrow Road. *Adverse impact on nature conservation* - previous 2016 ecological surveys don't account for other species we have personally observed on the site including Kestrel, Tawny Owl, Nuthatch, Jay, Waxwing, Sparrowhawk, Greater Spotted Woodpecker (breeding), and an extensive variety of small mammals I also wish to make the following comments about the impact of the application which relate to non material planning considerations: - *Potential impact of the proposed development on land stability between the site boundary and 174 Ashbrow Road* - something that doesn't appear to have been considered in the geotechnical survey - Disruption caused by the construction period, particularly during phase 2 - *Potential factual misrepresentation of the proposal* - site section 01191A_SS_01 indicates the distance between 174 Ashbrow Road and plot 35 is 25916mm, however in the cross-section the important and relevant minimum distance should relate to plot 32. Unless this is simple typographical error, I am concerned that the minimum distance between 174 Ashbrow Road and the nearest house is significantly less than the number quoted above. - Permanent loss of property value to 174 Ashbrow Road - Permanent degradation of view/light to the South and East of 174 Ashbrow Road given our relative height (altitude) in comparison to the development - *Loss of earnings to Ashbrow Waggy Tails* -Kirklees Council licensed dog boarding business ABE/042201716857 - Personal loss of amenity - if the development were to go ahead I would like to at least be given some notice of when we will permanently lose access to the site (particularly the area of land covered in the application by phase 2) as my family and I have enjoyed walking in that green space for generations and are understandably emotionally attached to it.

Officer response – impacts on residential amenity are covered in the relevant section of this report. In terms of drainage, the drainage strategy proposes to

ensure surface water drains generally towards an attenuation tank close to the existing mini roundabout. Storm water drainage flows could be secured by condition. Full comments to be reported as an update from the drainage officer. In terms of the impact on the amenity, the distance from no174 Ashbrow Road would be in excess of 21m as required by policy BE12 of the UDP. Whilst it is understood that the occupier of no174 uses the site for recreational purposes; the site does not comprise an area of designated greenspace and is allocated for housing purposes in the UDP and PDLP.

- Concern about subsidence and flooding impact on the properties below the development, including ours. - Concern for private and peaceful enjoyment of our property. Noting that access pathways next to 162 and near to 172, creating the potential for significant more footfall past our property; consequential concerns for security of all properties and safety of persons on this part of Ashbrow Road. - Removal of trees directly behind garden of 162/164 affects public amenity, removing a natural screen which serves for privacy and noise reduction purposes. - Safety on Ashbrow Road with potentially hundreds more vehicles using an already busy road with blind bends.

Officer response – comments covered above and in the main body of the report.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways – No objection in principle.

8.2 Non-statutory:

Biodiversity Officer – no objection subject to conditions.

K.C Education – no objection subject to £271,818 contribution towards Ashbrow School and North Huddersfield Trust School.

K.C Strategic Housing – no comments received. To be reported as an update.

Tree Officer – initially raised concerns with the level of information provided and the lack of tree survey information. The applicant provided this information and at the time of writing the report comments from the tree officer were awaited. Reports to be provided as an update.

Environmental Protection – no comments received. To be provided as an update.

Yorkshire Water – no comments received.

Public Rights Of Way – raises concerns that the proposed development could introduce conflict with existing public paths. Also concerned to ensure public paths are diverted further away from proposed boundaries. It is unclear from the submission on what grounds path closures would be sought and under what legislation. If public path alignment is retained appropriate improvement works would be expected.

A reasonable solution is likely possible with further/amended submissions.

Environment Agency – no comments received.

Lead Local Flood Authority – no comments received. To be reported as an update.

Landscape – no objection in principle subject to comments detailed in the relevant section of this report.

9.0 MAIN ISSUES

- Principle of development
- Impact on Character of Surrounding Area
- Residential amenity
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 Most of the site lies on land allocated as Housing on the Unitary Development. A strip of land on the western boundary and a portion in the north west corner comprises Urban Greenspace. In the Publication Draft Local Plan (PDLP) the whole site is allocated for housing (PDLP ref – H809). The emerging allocation reaffirms the suitability of the site for housing.
- 10.2 To a large extent the proposed development complies with the housing allocation which covers most of the site. The whole site is greenfield. The loss of urban greenspace would be relatively minimal in this case and it is noted that the Council propose to change the current allocation of the whole site to housing as part of the PDLP. The PDLP proposes to allocate much of the land surrounding the site to the west and north as urban greenspace (as it currently is in the UDP) comprising an area of 8.9 ha of semi-natural/natural greenspace and woodland. There are a number of footpaths running through this area which provide public access to the urban greenspace.
- 10.3 The supporting text to policy D3 of the UDP states that one of the main functions of urban greenspace is to safeguard the balance with urban areas between the amount of land that is to be built up and the amount of open land. There would be conflict with policy D3 in that the scheme would fail to protect the visual amenity of this parcel of urban greenspace as it would propose housing on an area of currently open land. Views of this land are readily visible from the footpaths which route through the area of greenspace. However, as detailed in the Sustainability Appraisal Report which accompanies the PDLP, the development of this site for housing would benefit from access to nearby public footpaths, greenspace designations including over a dozen semi-natural and natural greenspaces and two parks and gardens. Consequently, the development of this site for housing and the resultant loss of a relatively small area of urban greenspace would not undermine wider urban greenspace which populates land immediately to the north and west. The proposed development

is consistent with the Council's aspirations in allocating the whole site for housing. It is noted that the proposed development facilitate a significant number of affordable housing units well above the Council's normal 20% policy, this is a specified community benefit which Policy D3 also takes account of when proposals for developing Urban Green Space sites are considered. It is also noted that the proposed development includes links to the surrounding public footpaths and proposes to divert part of one of the existing footpaths via one of the proposed estate roads within the scheme.

- 10.4 The Council is unable to demonstrate a five-year supply of housing land. Relevant policies for the supply of housing are out-of-date by virtue of paragraph 49 of the Framework. The fourth bullet point of the Framework paragraph 14 therefore applies. This provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Housing Mix

- 10.5 The proposal comprises a range of dwellings and an extra-care facility. Of the 110 dwellings proposed, 13 are proposed as affordable units (affordable rent) comprising two, three and four bedroom units. In addition the proposed care facility comprises a total of 50 units, all of which would comprise social rent. Therefore, the totality of the scheme would deliver approximately 39% affordable housing which is significantly in excess of the 20% required by planning policy. In addition, the house types and tenure is in line with the requirements of Strategic Housing and this has been discussed extensively at pre-application stage. There are significant social benefits associated with the provision of affordable housing which is well in excess of planning policy. In the Kirklees Social Care Vision 2016 the Council have identified a shortage of extra care living options as a genuine alternative to care homes for older people. It is identified that this type of accommodation is more likely to meet the changing aspirations of older people.

Conclusion on principle

- 10.6 The overall consultation with respect of the principle of development is that the application should be assessed against the presumption in favour of sustainable development as set out in para14 of the NPPF. The Council are unable to demonstrate a 5 year supply of housing. Whilst weight is attributed to policy D3 and there is conflict owing to the loss of greenspace; the relative loss is minimal and harm should be set against the wider benefits of the scheme. Taking all these elements into account in the harm to Policy D3 is outweighed by the benefits of significant affordable and market housing delivery on a site predominantly allocated for housing use.

Impact on Character of Surrounding Area

- 10.7 Section 11 of the NPPF sets a wide context to conserving and enhancing the natural environment and requires that valued landscapes are protected and enhanced and requires that the level of protection is commensurate with the status and importance of the landscapes.
- 10.8 Policy BE1 of the UDP requires that all development should be of good quality design such that it contributes to a built environment. Policy BE2 states, amongst other matters, that new development should be designed so that it is

in keeping with any surrounding development. Policy PLP24 of the PDLP requires that good design to be at the core of all planning decisions.

- 10.9 The main constraints and limitations associated with the site and surroundings have largely dictated the layout. These include the position of the mini-roundabout which forms an access to the site to south, the significant change in levels across the site, areas of protected trees and the proximity of public footpaths.
- 10.10 The land rises up from the roundabout by approximately 14m to the centre of the site. Within the site there is a discernible plateau from where there are long distance views to the south over Huddersfield town centre and beyond. The site is populated by a range of trees, shrubs and grasses and a number of formal and informal footpaths and tracks criss-cross the site and the surrounding area.
- 10.11 The scheme includes a primary road which would rise up from the existing roundabout and wrap around the south and west of the site. This would involve the removal of some trees, but these trees are not protected by a TPO. A secondary shared surface road would run parallel to the northern boundary which eventually would form a loop linking back to the primary road. An area of Public Open Space would be positioned centrally within the site.
- 10.12 Due to the levels and TPO'd woodland, there are no dwellings fronting Ashbrow Road. A retaining wall would sit behind the sloping access off the roundabout but it is proposed to provide a significant area of planting to soften the appearance. Dwellings along the primary street would have driveways to the side of properties and small areas of landscaping/low hedging to the front of properties to enhance and 'green' the street. Dwellings to the rear of the site would have parking to the front of properties and be more densely spaced. However, landscaping and a shared surface treatment of the secondary road would assist in breaking up the dominance of parking along this section. Generally, boundary treatments fronting the highway would be brick and timber panel softened by landscaping. Corner plots would contain well-proportioned windows in side elevations to overlook the street and provide a degree of interest. The looped nature of the scheme and the area of POS within the centre of the site would enhance the scheme's legibility. In addition, the main area of POS has been proposed to take advantage of long distance views across the district and is located in an area of the site which is easily accessible for future residents. Whilst the proposed dwellings are of simplistic design, the character throughout the site is broadly similar. In context of the surrounding area the proposal creates a welcoming street scene. Each dwelling would be constructed of red brick with contrasting features such as reconstituted headers and cills. The first dwellings when entering the site would be constructed of reconstituted stone material.
- 10.13 The scheme retains the TPO'd woodland which screens the site from the south. There are links provided to existing footpaths which run around the perimeter of the site. In order to address avoid conflict with the application site, the applicant proposes to divert part of the existing public footpath (HUD/382/20) onto the estate road (approximately 110m). This would avoid having the public footpath being located adjacent to rear gardens and retaining walls thus, the diversion would create a safer and more inclusive route for pedestrians. The footway along the primary road within the site would be wider to compensate for the footpath diversion. At the time of writing the report it was also proposed

to 'stop' approximately 150m of this footpath where it would run to the rear of proposed gardens to the south west. This has resulted in concerns being raised by the Public Rights Of Way officer. In response, the applicant proposes to stop this section of footpath in order to avoid unacceptable conflicts with the planning proposal. At the time of writing the report it was unclear whether any of the existing PROW's were positioned within the application site, the mechanism for diverting/stopping any PROW's and the justification for such action. Clarification and resolution of this matter will be reported to committee as an update.

- 10.14 In respect of the proposed extra care facility, this would sit on a higher level within the site and comprise an elongated building set over two and three floors (including split levels). Within the centre of the site would be a single storey entrance and communal area. Due to the scale of the proposed building and the slightly elevated nature of the land in relation to Ash Meadow Close which lies to the north, the building would be particularly noticeable from this viewpoint. The building would also be readily visible from a relatively short stretch of Bradley Boulevard. The scale of the proposed building and the height of the land relative to the surroundings also means it would form a relatively prominent feature from roads within the site.
- 10.15 The extra care facility would comprise a mix of artificial stone and contrasting brick. The main entrance to the building and single storey communal area would be rendered white with the use of contrasting grey cladding material. The entrance road to the building would be block paved. It is considered to represent a good quality design, subject to conditions concerning materials.
- 10.16 In respect of phasing, the site would be worked from the existing roundabout in a northerly direction with a portion of the housing and the proposed extra care facility comprising the first stage of the development.
- 10.17 The proposed development would alter the character of the existing site from an informal and formal area of urban greenspace. The visual impact of the proposed development would be most significant from the existing public footpaths to the west and south as well as surrounding streets, particularly to the north. However, this is not an isolated site and it lies adjacent to a large area of existing housing. In design terms the proposal would make a positive contribution to its surroundings and is based on good design principles with additional and existing landscape in place to mitigate significant visual harm. Overall the scheme is considered to comply with policy BE2 of the UDP and PDLP policy PLP24.

Public Open Space

- 10.18 Policy H18 of the UDP requires that 30m² of public open space is provided for per dwelling. The main central portion of POS within the site is considered to represent a high quality space which would also take advantage of long distance views across the district. There is a further area of POS in the north western portion of the site which would be sloping. In addition the extra care facility would provide a landscaped area for residents of the facility but this would not be publicly accessible.
- 10.19 The landscape officer has assessed the proposals and considers that there are some issues with the POS area on offer in two of the areas. However, these areas would be usable to some extent with the main area of POS located

centrally within the site being the most attractive. Based on this it has been calculated that the application would provide 3500m² of POS which is short of the 4088m² requirement. In addition, the applicant proposes an off-site contribution of £120.750 towards play equipment. In this case the slight deficiency is considered acceptable as the scheme would deliver suitable POS for future residents.

Residential Amenity

10.20 Para 123 of the NPPF indicates that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through use of conditions.

10.21 Policy BE12 of the UDP provides guidance on appropriate separation distances for dwellings. PLP24 of the PDLP requires developments to provide a high standard of amenity for future and neighbouring occupiers.

10.22 The main impacts of the proposed development concern the relationship with existing properties to the south which face the application site. In most cases the proposed development complies with the spacing standards set out in the UDP which means:

- 21m between habitable room windows of existing and proposed dwellings;
- 12m between habitable rooms and blank walls/non-habitable windows of existing and proposed;
- 10.5m between habitable room windows of a dwelling and the boundary of any adjacent undeveloped land (discrepancies outlined below); and
- 1.5m between any wall of a new dwelling and the boundary of any adjacent land.

10.23 Given the sloping nature of the site, however, there are level changes which also need to be considered. In respect of the closest dwelling (no. 160 Ashbrow Road), this dwelling has open views of the site. The scheme has been amended whilst being processed so that there is a distance of 13m between the gable wall of the proposed dwelling and the existing property. The eaves level of the proposed dwelling would be set approximately 2.1m higher than the eaves of the existing. Further landscaping would be incorporated along the boundary to soften the impact of the proposed dwelling on the existing occupiers of no.160.

10.24 There are a further row of properties on Ashbrow Road (no. 164 and 162). The proposed development would be located approximately 27.8m from the existing property at no 164 and 23m from no 162. Even taking into account changes in levels, the impact in this case is considered acceptable. It is noted that there as an extant planning application to the rear of no164 which has not yet been determined (2017/91945). However, the latest plans appear to show details of a single storey dwelling and the conflict with the proposed development would be minimised due to levels.

- 10.25 It is noted that the gardens of plots on the southern boundary of the site (13 – 16) would be from 6.8m in length which is less than guided by policy BE12 of the UDP. However, these units are well in excess of spacing standards and it is not considered that they would lead to unacceptable loss of privacy or amenity for existing occupiers. In the round the size of gardens in this case is considered acceptable and it is noted that there are a number of plots with large garden sizes.
- 10.26 Within the site a number of facing properties would sit on a higher level. However, gardens are stepped to increase the functionality of them and all proposed dwellings are in excess of the spacing standards set out in policy BE12.
- 10.27 The applicant was accompanied by a noise survey and report. This identified the key impact being associated with traffic noise. The report recommends a number of mitigation measures and these could be secured by planning condition.
- 10.28 Overall the application is considered to achieve the standards set out in the UDP and delivers acceptable levels of amenity overall for existing and future occupiers. Subject to a condition removing permitted development rights for the properties closest to the sensitive southern boundary, it is considered that the application complies with policy BE12 of the UDP and the NPPF in this respect.

Highways

- 10.29 The scheme would comprise an access taken Ashbrow Road via a mini roundabout which was built to serve the application site. The application has been accompanied by a Transport Statement which has been assessed by Highways DM.
- 10.30 Policy T10 of the Kirklees UDP states that new development will not normally be permitted if it will create or materially add to highway safety issues. Policy PLP21 of the PDLP aims to ensure that new developments do not materially add to existing highway problems or undermine the safety of all users of the network. Para 32 of the NPPF states:

Plans and decisions should take account of whether:

- *the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- *safe and suitable access to the site can be achieved for all people; and*
- *improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.*

- 10.31 The proposals are forecast to generate 56 and 57 two-way trips during AM and PM peak hours respectively. This equates to less than one vehicle per minute during peak hours and no concerns are raised from Highways, nor are any concerns raised in relation to the potential impact of the scheme on the junction with Bradford Road. It is also noted that planning permission has previously been granted on this site for residential development.

10.32 In terms of parking, the proposed development would provide:

- Two spaces per 2/3 bed dwelling
- Three space per 4 bed dwelling
- One visitor space per 4 residential units
- *Care facility* – 1 space per 6 beds. Staff parking 1 space per 3 staff.

The application provides in accordance with the standards above and those set out in the UDP and no objections are raised from Highways DM.

Accessibility

10.33 The site is positioned in close proximity to a number of services. There are two schools within 1km (primary and secondary) along with dentists, public houses, a chemist, cashpoint, newsagent and a convenience store.

10.34 There are two bus stops within 120m of the site on Ashbrow Road with more extensive services provided along Bradford Road within a 5 minute walk of the site. There are numerous services to Huddersfield Town Centre.

10.35 Whilst it is clear from the above that the site is accessible, as detailed in the remainder of the report the applicant is considering ways of potentially improving the pedestrian accessibility of the extra care facility to encourage non-car travel modes. This will be reported as an update.

Drainage Issues

10.36 Para 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere. On the basis that the site lies in Flood Zone 1 (lowest risk of flooding from rivers or the sea), a sequential test is not required in this case.

10.37 The submitted Flood Risk Assessment (FRA) considers the risk of flooding from various sources including rivers, groundwater, artificial sources and surface water.

10.38 It is proposed to drain the upper part of the site via an outfall to a watercourse which lies to the north west. An attenuation tank would be located within the north western portion of the site to reduce flows. The remainder of the site, which includes foul water, would be drained into the combined sewer which runs down Ashbrow Road. Surface water would be attenuated within the site. The National Planning Practice Guidance (NPPG) states that the aim of a drainage scheme should be to discharge run-off as high up the hierarchy as practicable:

- 1 – into the ground (infiltration)
- 2 – to a surface water body
- 3 – to a surface water sewer, highway drain, or another drainage system
- 4 – to a combined sewer

10.39 The site is not suitable for an infiltration based drainage solution and, therefore, the proposal is considered to meet the run-off hierarchy. Comments from the

Lead Local Flood Authority will be reported to planning committee as an update.

Biodiversity

- 10.40 UDP policy EP11 requires that application incorporate landscaping which protects/enhances the ecology of the site. Emerging Local Plan policy PLP30 states that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, habitats and species of principal importance and the Kirklees Wildlife Habitat Network. The site lies within Kirklees Wildlife Habitat Network which is a designation intended to protect and strengthen ecological links. There are five non-statutorily designated sites within 2km of the site. Sir John Ramsden Canal is a Local Wildlife Site (LWS) & Site of Scientific Interest (SSI) located 1km to the south east.
- 10.41 According to the submitted extended phase 1 habitat survey, the site comprises predominantly semi-improved grassland with a mix of woodland and scrub. There is an unmaintained hedgerow dissecting the site from north to south. The site does not appear to support habitats of high value for their botanical interest and no scarce or locally important plants were reported as part of the survey work.
- 10.42 The applicant commissioned additional survey work including a bat survey and breeding bird survey. The survey found generally low level of bat activity across the site with bats most associated with the vegetated boundaries. The site is not considered to be of high value to local bat populations. It is considered unlikely that roosting bats are contained within the site. The Council's biodiversity officer has assessed the submission and considers that the layout proposed has been informed by the ecological baseline of the land. No objections are raised subject to appropriate conditions, including an ecological mitigation and enhancement plan. The application is considered to comply with policy EP11 of the UDP and PLP30 of the PDLP.

Planning Obligations

- 10.43 Public open space provisions including off site commuted sum of £120,750 in lieu of equipped play and future maintenance and management responsibility of open space within the site.
- 10.44 There is a separate Development Agreement between the applicant and the Council which would secure the following. 13 of the houses proposed are affordable units (affordable rent) comprising two, three and four bedroom units. In addition the proposed care facility comprises a total of 50.
- 10.45 £271,818 Education contribution split between Ashbrow School and North Huddersfield Trust School.

Other Matters

- 10.46 The application has been accompanied by a land contamination report. Subject to it being found acceptable by Environmental Health, conditions are recommended.

- 10.47 The application has been accompanied by an Air Quality Assessment. The conclusion of the report is that impact on air quality is not a constraint to this development. It is likely that the scheme will be required to deliver electric charging points. Conditions could be attached subject to confirmation from Environmental Health.

11.0 CONCLUSION

- 11.1 The site lies on land which is allocated on housing and urban greenspace on the UDP. The Council are unable to demonstrate a five year housing land supply and the NPPF seeks to boost significantly the provision of housing. In the emerging Local Plan the site is one which is considered by the Council as suitable for housing. It would bring into beneficial use a site which has been allocated for housing for some time with the likely prospect of delivery. The proposal also represents a scheme which would deliver much needed affordable family homes and an affordable extra care facility. These benefits are considered to be significant and outweigh conflict with policy D3 in terms of the loss of urban greenspace.
- 11.3 Whilst there appears to be slight under-provision in terms of POS and some conflict with H18, the scheme overall offers good quality open space within the site. The design of the scheme overall would provide a good quality scheme for future residents.
- 11.2 It is inevitable that development on any greenfield site would mean a loss of landscape quality because there would be buildings in place of open land. The impact on local views which includes some footpaths would be unavoidable. However, the scheme has been designed so as to ensure that the impact on the surrounding area is reduced by ensuring the scale of dwellings on the site would be in keeping with the local area. The proposed extra care facility would be located on the edge of the site and would not appear overly dominant given its scale.
- 11.3 There would be no unacceptable harm in relation to highway safety, drainage/flood risk, living conditions and ecology, subject to the conditions proposed. Infrastructure provision would be dealt with by a S106 Agreement where the scheme is fully compliant with policy requirements.
- 11.4 In conclusion, the tilted balance in favour of sustainable development as advocated by para14 of the NPPF is engaged in this case. There are no adverse impacts of granting planning permission which would significantly and demonstrably outweigh the benefits. Conflict with UDP policy D3 and other impacts identified are outweighed by other material planning considerations and overall the proposal constitutes a sustainable form of development.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

- 1. 3 years**
- 2. Approved plans**
- 3. Phasing plan**
- 4. Materials**
- 5. Ecological enhancement**
- 6. Construction management plan**
- 7. Drainage**

- 8. Contamination
- 9. Boundary treatments
- 10. Finished floor levels
- 11. Electric charging points
- 12. Noise mitigation

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90586>

Certificate of Ownership – Notice served on Kirklees Council. Certificate B signed

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2018/90340 Change of use and alterations to extend existing car park Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield, HD2 1EX

APPLICANT

D Plant

DATE VALID

05-Feb-2018

TARGET DATE

02-Apr-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted?

RECOMMENDATION

Delegate approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to:

1. Finalise negotiations on outstanding technical matters relating to the adjacent protected woodland.
2. Complete the list of conditions including those contained within this report (and any added by the Committee).

In the circumstances where outstanding protected woodland related concerns have not been addressed within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether planning permission should be refused on the grounds that the proposals are unacceptable on the grounds of flood risk; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION

- 1.1 This is a full planning application seeking the change of use of land to alter and extend an existing car park.
- 1.2 The application is brought to committee in line with the delegation agreement as the land is allocated for Housing within both the Kirklees Unitary Development Plan (H8.33) and the Kirklees Publication Draft Local Plan (H809), therefore the proposal represents a departure.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site is a marked and surfaced car park associated with the adjacent Ashbrow School, although the site is outside the school's main grounds.
- 2.2 The car park has separate in/out connection points onto Ash Meadow Close. The car park has 25 standard and 2 disabled spaces, for a total of 27. The school has additional 28 parking spaces within the main grounds.
- 2.3 There is a prefabricated garage on site, which is currently rented out to a local resident. Opposite the site, across Ash Meadow Close, are four pairs of semi-detached dwellings. To the site's rear is a large open area of Greenfield land which is allocated for Housing in both the UDP and PDLP. To the south-east

and south of the site, between the car park and Bradley Boulevard, is an area of woodland which benefits from a Woodland Tree Preservation Order (TPO).

3.0 PROPOSAL

- 3.1 The proposal seeks to extend the car park and amend the layout to form 32 standard parking spaces, 5 wide parking spaces, 4 disabled parking spaces and 2 drop off points for a total of 41 spaces. This is an increase of 14 spaces. The car park would retain the existing in/out points onto Ash Meadow Close.
- 3.2 An area with a maximum width of 16.0m and maximum projection of 4.8m of grass verge between the site and Ash Meadow Close will be surfaced and incorporated into the car park. The car park's east and west boundaries are to extend out a further 2.45m and 6.0m respectively. The rear/south boundary is not to be materially enlarged.
- 3.3 The garage on site is to be demolished. A new footpath, from the car park's rear and adjacent to the drop off points, is to connect to the school's entrance.

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

97/93483: Outline application for residential development – Conditional Outline Permission

2001/90214: Renewal of unimplemented outline approval for residential development – Refused

2005/92285: Outline application for erection of residential development – Section 106 Outline Permission

2011/90578: Extension to time limit to previous permission 2005/92285 for outline application for erection of residential development – Extension to Time Limit Granted

Aerial images show that the car park to which the application relates was formalised between 2002 and 2006, with the site previously hosting a surfaced area with several small domestic garages. Evidently it was not in use by the school prior to the formalisation. There is no evidence that planning permission was granted for the previous development. Nonetheless, given the prolonged period that the car park has been in use, it is likely exempt from enforcement action.

The site has no enforcement history.

4.2 Surrounding Area

Ashbrow School

98/92377: Erection of cloakroom extension and canopy – Granted Under Reg.3 General Regulations

2007/91515: erection of two new classrooms – Granted Under Reg.3 General Regulations

2009/91401: proposed toilet extension – Conditional Full Permission

2009/92063: Erection of external classroom – Conditional Full Permission

2010/91855: Erection of 3 No. infill extensions – Conditional Full Permission

2010/92430: Erection of canopy & log cabin – Conditional Full Permission

2012/91065: Certificate of lawfulness for proposed erection of 1 infill extension (Area B) – Certificate of Lawfulness Granted

2012/93737: Erection of extensions – Conditional Full Permission

2013/91417: Erection of extensions and alterations – Conditional Full Permission

2014/90219: Erection of 3 classroom extensions – Granted Under Reg.3 General Regulations

2017/91003: Erection of 3 infill extensions – Conditional Full Permission

Land to the west of Ashbrow Infant and Nursery School

2018/90586: Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations – Ongoing

5.0 HISTORY OF NEGOTIATIONS

- 5.1 During the course of the application it was identified that the red line was incorrect, being too large. This has been amended to the correct area.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Local Plan process the Publication Draft Local Plan is considered to carry significant weight in the determination of planning applications. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 On the UDP Proposals Map the site is allocated for Housing (H8.33)

6.3 The site is allocated as Housing on the PDLP Proposals Map (H809).

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **BE1** – Design principles
- **T10** – Highways accessibility considerations in new development
- **T19** – Parking standards
- **H1** – Housing (Strategy)
- **H6** – Housing allocations

6.5 Kirklees Publication Draft Local Plan: Submitted for examination April 2017

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP11** – Housing mix and affordable housing
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP24** – Design
- **PLP49** – Education and health care needs
- **PLP51** – Protection and improvement of local air quality

6.6 National Planning Guidance

- **Paragraph 17** – Core planning principles
- **Chapter 4** – Promoting sustainable transport
- **Chapter 6** – Delivering a wide choice of high quality homes
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting healthy communities

7.0 PUBLIC/LOCAL RESPONSE

7.1 The application has been advertised via site notice and through neighbour letters to addresses bordering the site. This is in line with the Councils adopted Statement of Community Involvement. The end date for publicity was the 9th of March, 2018.

7.2 No public representations were received.

8.0 CONSULTATION RESPONSES

8.1 Statutory

Minerals HSE: HSE does not advise against the granting of permission.

K.C. Highways: No objection subject to condition.

8.2 Non-statutory

No non-statutory consultees were required.

9.0 MAIN ISSUES

- Principle of development
- Urban Design issues
- Residential Amenity
- Highway issues
- Other Matters
- Representations

10.0 APPRAISAL

Principle of development

Sustainable Development

- 10.1 NPPF Paragraph 14 and PLP1 outline a presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation (Para.8).
- 10.2 The dimensions of sustainable development will be considered throughout the proposal. Paragraph 14 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Land allocation

- 10.3 The site is allocated for housing within both the UDP (site ref. H8.33) and the PDLP (site ref. H809). As the proposed development does not relate to housing, yet seeks to develop currently vacant land, the proposal is considered a departure from policy.
- 10.4 The existing car park on site was constructed circa 2004. At the time the school had approximately 220 pupils with 34 staff. In 2012 the two schools merged and, over time, the school has grown considerably. Officer's note the various extensions approved at the site over the last decade, with no additional parking being provided. The application confirms that pupil numbers are now approximately 440 with over 90 staff. This concern is exacerbated by the school's reliance on a large number of visiting professionals (including speech therapists, physiotherapists), as the school has a number of pupils with significance needs.
- 10.5 The applicant claims that the existing car park is insufficient for the needs of the school. This is despite taking measures, including staggered school start and finish times and employing a car parking attendant, to try and address parking concerns. Considering the information provided officers concur that the existing car park is not fit for purpose. The proposed car park would alleviate the site's parking issues through increased capacity and operational efficiency through an improved layout, such as through including dedicated drop off bays and a pedestrian path, without a significant enlargement.

- 10.6 The NPPF attaches weight in supporting the needs of schools, stating;

The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should: give great weight to the need to create, expand or alter schools.

The NPPF is supported by PLP49 which states enhanced education facilities will be permitted where they meet an identified deficiency in provision.

- 10.7 As the site is allocated for housing within both the UDP and PDLP consideration is required on the proposal's impact on the implementation of the proposals within each plan. This includes the potential loss of housing at a time of general shortage.
- 10.8 The proposal represents a very minimal encroachment into the currently vacant land that is part of the wider housing allocation. The car park is to encroach to the east and west, by 2.45m and 6.0m respectively. Furthermore it is to project towards the school and Bradley Boulevard. The car park is not to be enlarged towards the south, where it would project into the wider green field allocated for housing. The land to the east and west of the car park is small in scale and would not be practical to accommodate residential development without the existing car park being removed.
- 10.9 Officers acknowledge that were the car park to be removed the site could accommodate residential units. Applying the PDLPs standard of 35 dwellings per hectare the site could host 6 dwellings. However this would necessitate the loss of the car park, to the detriment of Ashbrow School. The proposal does not prohibit the redevelopment of the site to residential at a later date, although the loss of parking facilities for the school would be a material consideration. In terms of the wider housing allocation, application 2018/90586, seeking 160 dwellings and a care facility, is currently under consideration by the LPA. The application site has not been included within 2018/90586's proposal, evidencing that the area's exclusion does not prevent the implementation and development of the wider housing allocation.
- 10.10 In conclusion, officers are satisfied that the proposed development would address the needs of the school and that the layout would not unduly prejudice the future development of the wider housing allocation. Thus the proposal would not conflict with the implementation of the proposals within either the UDP or PDLP. In this circumstance the material planning considerations of the application are deemed to justify a departure. Therefore the principle of development is considered to be acceptable.

Consideration of amenity

- 10.11 Given the nature of the proposal there are no concerns relating to overbearing, overshadowing or overlooking upon neighbouring dwellings. In regards to noise pollution, while the proposal would represent an intensification through increasing the number of cars on site, it is not considered the proposal would result in materially harmful noise pollution. This is taking into account that the site is currently in use, and that the car park serves a school, therefore limiting peak operation to two relatively brief periods a day.

- 10.12 Officers conclude that the development would not prejudice the residential amenity of nearby residents, in accordance with Policy EP4 of the UDP, PLP24 and PLP52 of the PDL and Paragraph 17 and Chapter 11 of the NPPF.
- 10.13 Turning to visual amenity, the site is an established car park. While the number of cars on site and the surface area of the car park will increase, the increase would not be materially significant. Officers do not consider that the proposal would cause the site to appear out of keeping with the established character of the area, nor appear incongruous within its setting.
- 10.14 Officers conclude that the development would not harm the visual amenity of the site or the character of the wider streetscene, in accordance with Policy BE1 of the UDP, PLP24 of the PDL and Chapter 7 of the NPPF.

Highway issues

- 10.15 Consideration has been given to the need for the car park within paragraphs 10.5 – 10.10 of this assessment. Officers consider the level of parking provision, including the accessible parking spaces and drop off points, commensurate to the needs of the school.
- 10.16 In terms of highway safety, the car park is to make use of the site's existing one way entrance and exist system which is considered acceptable. Furthermore the proposed development will not impact upon established driver sightlines. The car park's internal layout is appropriate and does not raise concerns from K.C. Highways. The development will not harm the safe and efficiency operation of the Highway.
- 10.17 K.C. Highways are supportive of the development in principle, however initially advised that a 2.0m wide footway be created to the full frontage of the site to link the school to the existing footway at the junction of Ash Meadow Close. However on review of the plans this is not feasible without losing parking spaces. Furthermore officers consider it more appropriate that pedestrians make use of the existing pedestrian route on the north side of Ash Meadow Close and the new footpath to the site's rear, as opposed to requiring a new footway to the frontage, which would encourage and require pedestrians to cross the car parks entrance and exit.
- 10.18 A condition is to be imposed requiring the car park to be surfaced, drained and laid out in accordance with the details that have been provided and that the rear footpath is provided. Subject to these conditions officers are satisfied that the development would no harm the safe and efficient operation of the highway, providing an enhancement to the school's facilities, in accordance with Policy T10 of the UDP and PLP21 of the PDL.

Other Matters

Impact on adjacent woodland

- 10.19 The proposed car park is to be extended closer to the Area TPO to the south-east, most notably a mature Sycamore. From the details held by officers it is likely that the development would encroach into the Sycamore's root and/or crown protection zones. The application is not currently supported by any Arboricultural Reports assessing the proposal's impact on the woodland. This

has been discussed with the applicant, who is in the process of providing further information.

- 10.20 Given the limited amount of ground works typically associated with car parks it is not considered that the protected woodland adjacent to the site would prohibit the proposal. However appropriate technical details, to include surveys and any mitigation and protection works required, must be reviewed by Planning and Tree officers prior to determination.
- 10.21 So as to work proactively with the applicant and in the interest of a prompt decision officer's request that members delegate authority to the Head of Strategic Investment to finalise negotiations on outstanding technical matters relating to the adjacent protect woodland, including to impose any relevant and necessary conditions.

Minerals HSE

- 10.22 The site is partly within the outer consultation zone of the Syngenta 'Hazardous Material Site'. Therefore consultation was undertaken with the Minerals Health and Safety Executive. The Minerals Health and Safety Executive confirmed that, given the specifics of the proposal, they have no objection to the proposal on health and safety grounds.

Air Quality

- 10.23 In accordance with Chapter 11 of the NPPF and Policies PLP24 and PLP51, if minded to approve, a condition is to be imposed requiring the provision of an appropriate number of electric vehicle charging points. This is in the interest of mitigating the impact of the development on air quality and supporting the use of low carbon forms of transport. This would also accord with the West Yorkshire Low Emissions Strategy.

Representations

- 10.24 No public representations have been received in regards to the proposal.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.2 The application site is allocated for housing within the UDP and PDL, therefore the proposal represents a departure. Nonetheless weighing the material planning considerations of the needs of the school against the proposal's limited impact on the wider housing allocation, officers conclude that the principle of development is acceptable.
- 11.3 Turning to the local impact, the development would not harm the amenity of nearby residents or the visual amenity of the area. Furthermore the proposal would enhance highway safety and efficiency. There are outstanding concerns relating to the development's impact upon adjacent protected woodland. However these are not considered prohibitive to the development, subject to appropriate details being reviewed by officers.

11.4 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year Time Limit
2. In accordance with plans
3. New footpath to be provided prior to development being brought into use
4. Area to be surfaced and drained in accordance with the details provided
5. Charging points (Environmental Health)
6. Arboricultural related conditions, as appropriate

Background Papers

Application and history files can be accessed at;

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90340>

Certificate of Ownership: Certificate A signed.

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2018/90074 Erection of motor vehicle dealership comprising car showrooms, workshops and MOT, ancillary offices, car parking and display, new vehicular access and egress to A643 and landscaping Land Off, Lindley Moor Road, Huddersfield, HD3 3TD

APPLICANT

Rybrook Cars Limited
and Stirling Scottfield
(Huddersfield) LLP

DATE VALID

04-Jan-2018

TARGET DATE

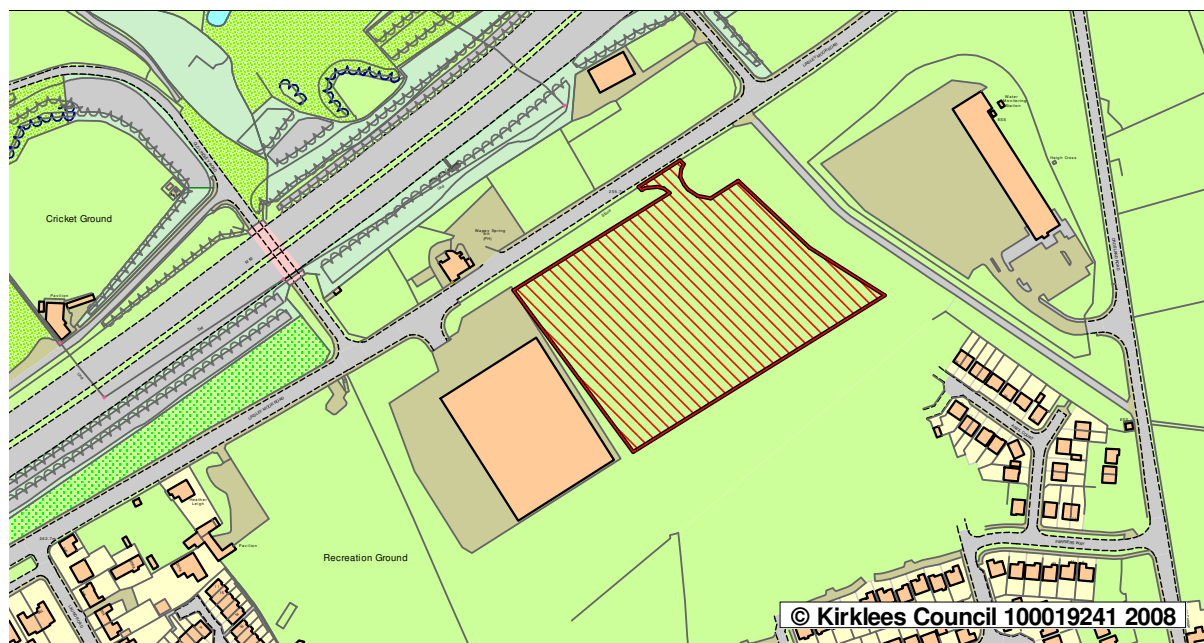
05-Apr-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Lindley

Yes

Ward Members consulted.

RECOMMENDATION:

Delegate Approval of the application and the issue of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and outlined below and to secure a Section 106 Agreement to cover the following matter

- **The provision of £15,000 Travel Plan Monitoring fee (£3,000 per annum for 5 years).**

In the circumstances where the Section 106 Agreement has not been complete within 3 months of the date of the Committee's resolution then the Head of Strategic Investment shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application is brought to Strategic Committee as it comprises a non-residential development, in excess of 0.5ha, in accordance with the Councils Delegation Agreement. The application was deferred from the 8th March Strategic Planning committee due to cancellation of the site visits due to severe weather conditions.

2.0 SITE AND SURROUNDINGS:

- 2.1 The site comprises an area of approx. 2.2 ha and is located on the southern side of Lindley Moor Road, Lindley. The site is flanked to the west by a recently completed and occupied industrial building (Lesjofors Springs), and to the east, beyond a public footpath an area occupied by Macs Trucks.
- 2.2 This entire area was part of a much larger mixed use approval for both residential and employment use 2016/93136, with this area comprising 2 development platforms, either side of the public right of way. Platform A to the west comprising 2 sites A1 (now occupied by Lesjofors Springs) and A2 (the site the subject of this application), and Plot B now occupied by Macs Trucks.
- 2.3 The development platforms and associated access points and footways have been provided in accordance with the agreed phasing of the overall approval.

- 2.4 To the south of this site, and both Plots A and B is an approval for a 30m landscaped buffer zone, beyond which is the residential development, facing onto Crosland Road, currently under construction by Harron Homes and Taylor Wimpey.
- 2.5 The site is part of a much larger employment allocation on the Unitary Development Plan, and a much larger mixed use (housing and employment) allocation on the Emerging Local Plan. The dealership would be Rybrook Cars, showrooms occupied by Land Rover and Jaguar.

3.0 PROPOSAL:

- 3.1 Full permission is sought for the erection of a motor car dealership, comprising 2 car showrooms, workshops and MOT areas, ancillary offices, car parking and display areas. The total floor area would be 5,563 sq m.
- 3.2 The building would be an elongated rectangular structure, with the narrow edge facing onto Lindley Moor Road. The building will be approx. 8m high, with the lower part of the frontage and side elevations glazed, either side of a central access point. In addition to the glazing the building would be clad in Sunshine Grey cladding, with a recessed feature above the central access point in Champagne Grey cladding.
- 3.3 The rear portion of the buildings (containing workshop areas etc) extends towards the rear of the site, and this is to be constructed of silver grey cladding.
- 3.4 Access to the site is taken from Lindley Moor Road, to the east of the building, and serves 2 parking and service areas, one for each showroom either side of the building, which is centrally located within the site. There is a soft landscaped strip between the site and the rear edge of Lindley Moor Road. There is a small substation proposed adjacent to the main entrance.
- 3.5 Up to 87 people (full and part time) would be employed within the scheme and the typical opening hours would be:
- Monday- Friday 07.00-19.00;
 - Saturday - 08.00-17.00; and
 - Sunday- 10.00-16.00

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 Previous applications on this site and Housing allocation H8.17 are listed below:

98/992536 - Erection of 325 dwellings and garages

98/92256 - Provision of public open space and landscaping

Both of these were dealt with by the Secretary of State following a public inquiry and the residential appeal was dismissed on the grounds there was a supply of previously developed land for development, and as such release of the green field sites was premature.

The appeal for the open space was allowed.

2000/93276 - Outline application for employment and business use comprising industrial, commercial and storage units with ancillary facilities, road and parking- Withdrawn August 2005.

2009/92550 - Outline application for a Data campus and formation of access from Lindley Moor Road. (This is the same site as the current application) Refused.

Reason for refusal:

“The application relates solely to part of an industrial allocation, B8.1 in the Kirklees Unitary Development Plan. Footnotes specify that this allocation should be developed comprehensively with Housing allocation H8.17. As such the application is contrary to the Kirklees Unitary Development Plan.”

This was the subject of appeal which was withdrawn following the approval of 2011/91518 (listed below).

2011/91518 - Outline application for Data Centre Campus with formation of access off Lindley Moor Road. Approved subject to a Section 106 agreement

2011/91519 - Full application for residential development (294 units) and associated works including the demolition of existing buildings, construction of new accesses from Cowrakes Road and Weatherhill Road, footpath, drainage, earthworks, provision of public open space and landscaping. Approved subject to a Section 106 agreement

NB Both of the above applications were considered concurrently and in relation to a comprehensive development framework. Both of the Section 106 agreements include an appropriate financial contribution towards infrastructure improvements within the area.

2014/92214 – Full application for 30 no dwellings. Approved

2014/93136 – Demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sq.m) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit Plot B - (50,000sqft/ 4648 sq.m) with access from Crosland Road. Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping.

2016/90613. Reserved Matters on Plot A1 (Lesjofors) - Approved and implemented.

2016/92055. 109 dwellings land off Crosland Road, Huddersfield-Approved.

2016/92870 Reserved Matters on Plot B (Macs Trucks) -Approved and implemented.

5.0 HISTORY OF NEGOTIATIONS

- 5.1 Additional justification has been requested and received regarding the final surface water run off rate from the site.

- 5.2 Clarity on the location and access to the electricity sub-station has been provided.

6.0 PLANNING POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

Development Plan:

Site allocation:

The site is allocated for business, general industry and storage and distribution use (allocation B8.1) whilst the southern and eastern parts are allocated as buffer zone to the employment allocation. (Policy B3).

This site is part of a larger site, that is allocated a mixed use (employment and residential), on the Emerging Local Plan.

UDP policies:

B1 – Employment needs of the district
B3 – Buffer zones
BE1 – Design principles
BE2 – Quality of design
BE9 – Archaeological value
BE10 – Archaeological evaluation
BE12 – Space about buildings
BE23 – Crime prevention
D6 – Green corridors
T10 – Highway safety
T14 – Safeguarding existing pedestrian routes
T16 – Providing safe and attractive pedestrian routes within new development,
T17 – Developments to meet the needs of cyclists
T19 – Parking standards
G6 – Land contamination
H1 – Housing needs of the district
H10 – Affordable housing

H12 – Arrangements for securing affordable housing
H18 – Provision of open space
EP6 – Noise generating development
EP11 – Ecological landscaping
EP12 – Overhead power lines
EP4 – Noise sensitive development

Emerging Local Plan Policies.

Site part of allocation MX1911 Mixed Use site (Residential and Employment)

PLP1 Presumption in favour of sustainable development
PLP3 Location of new development
PLP20 Sustainable Transport
PLP21 Highways safety and access
PLP22 Parking
PLP24 Design
PLP27 Flood Risk
PLP28 Drainage
PLP30 Bio-diversity and Geo-diversity
PLP51 Protection and Improvement of Air Quality.
PLP53 Contaminated and unstable land

National Planning Policy Framework:

Part 1 - Building a strong competitive economy;
Part 2 - Ensuring the vitality of town centres
Part 4 - Promoting sustainable transport;
Part 6 - Delivering a wide choice of high quality homes
Part 7 - Promoting good design
Part 8 - Promoting healthy communities
Part 10 - Meeting the challenge of climate change, flooding and coastal change.
Part 11 - Conserving and enhancing the natural environment
Part 12 - Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been publicised by site notices, and in the local press.

3 letters of representation have been received one which supports the scheme, as it will generate business in the local area and reduce congestion in the town centre.

The second on behalf of the Lindley Moor Action Group, objects stating that:

- the parking figures are misleading and paint a misleading picture;
- the employment claims fail to take into account the redundant sites replaced by this development. As manpower economies will be realised by this amalgamation, the impact on employment will be negative;
- the strategic intent for Lindley Moor was for jobs not parking spaces. Adjacent to Mac truck park, you have to question why even more acres of tarmac are of any conceivable community benefit

7.2 The third is received from Harron Homes (developers on the neighbouring residential site), who do not object in principle, but suggest a Grampian condition be imposed ensuring the completion of necessary road

improvements(granted as part of the original Peat Ponds approval 2014/93136) , prior to any development of this site being commenced..,

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways DM. No objections in principle recommend conditions

Environment Agency. No objections.

Yorkshire Water Authority- No objections recommend conditions.

8.2 Non-statutory:

KC Environmental Health- Recommend conditions.

Lead Local Flood Authority- Requested updated information regarding agreed discharge rates, and the impact on the already agreed drainage strategy across Plots A and B,

Police Architectural Liaison Officer- Requests a condition requiring the submission of a scheme including crime prevention measures. These to include

- Adequate boundary treatments;
- External Lighting Plan;
- External CCTV system;
- Intruder alarm systems

9.0 MAIN ISSUES

- Principle of Development
- Highways Issues
- Impact on Amenity;
- Landscape and Bio- diversity Issues;
- Drainage Issues;
- Environmental Issues;
- Crime Prevention.

10.0 APPRAISAL

Principle of development

- 10.1 The site is part of a larger employment allocation on the Unitary Development Plan, and already has the benefit of an outline approval for Class B1 (b&c) (Business Use-Research and development of products and processes & Light industry) and B2 (General Industrial) use, with the development already provided.
- 10.2 The car dealership does not fall into the B1, B2 use categories being a sui generis use, and as such a full application is required for the use as well as the

building and associated works. The proposal will deliver new investment in the north Kirklees area, including up to 87 jobs (full and part time), in a sustainable location. Also this development would complete the development of the delivery of the employment uses approved along the frontage of Lindley Moor Road, with all 3 plots being taken and occupied.

- 10.3 It is not considered that to permit this sui generis use conflicts with the Council's Development Plan and is not classed as a Departure from the Development Plan. This plot is one of 3 within the outline consent and taken as a whole the mix of sui generis and predominantly general industry is not considered to be a significant deviation from the UDP allocation. This use is similar and compliments the uses on the neighbouring plots, in particular Max Trucks. No objection is raised to the use of the site.
- 10.4. Other relevant policy issues affecting this site relate to the provision of a buffer zone, and the retention of a green corridor route along the Lindley Moor frontage. Both of these matters are dealt with in subsequent sections of this appraisal.

Highways Issues

- 10.5. This site comprises part of a larger employment permission, which in turn is part of the larger Peat Ponds mixed use development (residential and employment) approved in 2016. In turn the Peat Ponds development, and the highway implications were considered against the Comprehensive Development Framework, developed to deliver the necessary infrastructure improvements for both of the Lindley Moor allocations ie the Residential (Lindley View off Weatherhill Road, now substantially complete), and the Employment allocation, which included the Peat Ponds mixed use.
- 10.6. Set against the Comprehensive Development Framework, the Employment section of the Peat Ponds mixed use scheme, has delivered its share of the necessary funding towards the infrastructure improvements (and these are secured via existing Section 106 Obligations).
- 10.7. The level of contribution is based upon the level and type of traffic generation from each part of the development. The application is accompanied by a Transport Statement identifying the traffic generation associated with this type of use, and it is not considered that it will be significantly different from the approved B1, B2 (b&c) uses, or those of the neighbouring uses. As such it is considered that the proposed dealership, and the nature and extent of the traffic use, is in accordance with the level and types of uses originally envisaged, and the existing contributions to the infrastructure improvements are satisfactory.
- 10.8. The access off Lindley Moor Road, is as already agreed as part of the Peat Ponds mixed use approval. This site is plot A2 of that approval, and the siting and site coverage are no greater than was indicated at the outline stage. The Outline approval has conditions imposed upon it to secure the provision of the access point, and the necessary footpath improvements and white lining arrangements within Lindley Moor Road to afford safe vehicular access to this site, and pedestrian improvements
- 10.9. Within the site the circulation for vehicles is considered acceptable, with each franchise having its own car park, display and delivery working areas, adjacent

to its main showroom. These areas are extensive and provide for 101 parking spaces, 12 cycle spaces and 4 no spaces allocated for disabled users. In addition to these spaces there service and delivery areas to the rear of the site associated with the workshop element of each of the franchises. These areas are accessed via the car park areas, through a gateway within the security fence.

- 10.10. The level of parking and delivery service space is considered to be satisfactory, and should avoid any parking outside of the site.
- 10.11. Conditions are recommended to secure the provision and completion of necessary road and infrastructure improvements prior to the Dealership being brought into use, and subsequent maintenance of the parking and service area, the delivery and appropriate sight lines and visibility, and the production of a Travel Plan, and subsequent monitoring of the Travel Plan. The Travel Plan monitoring fee would be £15,000 (ie £3,000 per annum for 5 years). This will be secured via a Section 106 agreement.

Impact on Amenity

- 10.12. Visual Amenity The building is to be set back a considerable distance from the back edge of Lindley Moor Road, and whilst it will be 8 m in height, it is of a comparable scale and design to the neighbouring industrial units, already completed and in operation. The building is a high tech contemporary design incorporating substantial areas of glazing for the showroom sand a central entrance feature. This style and appearance are usual and appropriate for such uses in areas surrounded by such uses, and as in this case reflect corporate designs and templates.
- 10.13. The scheme in addition in addition to being set back from the back edge of the pavement, is also set behind a landscape strip, which is located between the back edge of Lindley Moor Road, and the access/parking in front of the proposed building. This landscaped area links through with an adjoining area to the front of Lesjofors to the west, and the green buffer to the public footpath to the east.
- 10.14. As such it is considered that the impact upon the visual amenities in this area is acceptable.
- 10.15. Residential Amenity The residential amenities most affected by this scheme (and indeed any of the Employment uses fronting onto Lindley Moor Road are the proposed dwellings to the south, approved as part of the Peat Ponds mixed use development. Between this site and the residential units is a 30m planted buffer zone, that has been relocated to safeguard residential amenity and provide visual relief, in accordance with the objectives of Policy B3 (Buffer Zones) in the Unitary Development Plan.

Landscape/ Bio diversity issues

- 10.16. The scheme provides for soft landscaping to the front of the site adjacent the road, and linking to the neighbouring landscaped areas. These areas represent the line of a green corridor as identified on the Unitary Development Plan, and have been identified and retained as part of the Lindley Moor masterplan exercise to deliver a green infrastructure framework throughout and across the site. This framework for example also includes the planted buffer zone area.

- 10.17. The provision planting and subsequent maintenance of these areas is secured through a condition on the outline approval, and there is also a Landscape Management Plan that has been prepared and approved for the whole Peat Ponds site.
- 10.18. Aside from the soft landscaping and the provision of appropriate species, there is little opportunity (given the nature of the use and probable vehicle circulation), that successful roost opportunities could be sited on any of the buildings. However there will be a lighting condition required, which will cover the rear service areas adjacent to the wooded buffer zone, where there is ample opportunity for bio diversity enhancement.

Drainage Issues

- 10.19. This proposal is a re-plan of part of the Employment element of the Peat Ponds mixed use approval that was the subject of drainage conditions which have been negotiated and discharged. The amended use, and building shape, have not impinged upon any of the agreed or relevant routings for both foul and surface water, for serving either the front or rear of the site.
- 10.20. Additional information and clarification is being provided regarding the final surface water run off rates for this site, which would usually be at least 5l/s (green field run off). This matter should be agreed by the date of the Committee, but is in view of the existing approval, something that could, if necessary be covered by condition.

Environmental Issues

- 10.21. The site has been remediated, and the development platform provided, under the terms of the outline approval, ready to receive the new development. Noise is not an issue in this particular location with the nearest residential units being screened by a 30 m buffer zone.
- 10.22. A Lighting scheme will be require to provide security for this use and surrounding areas, (it is possible that the adjacent public right of way and cycle path ,could benefit from some "borrowed" light on the eastern boundary. Also the lighting in terms of its intensity and sensitivity towards potential woodland habitat, would need to be carefully considered via the condition.
- 10.23. The whole of the Peat Ponds mixed use scheme, was subjected to an Air Quality Assessment that was considered in relation to the West Yorkshire Low Emissions Strategy. The level of impact was identified for both emitters and receptors, and found to be within acceptable limits. The levels of emission were quantified and monetised and mitigation measures identified and funded. These include the provision, and improvement of the public right of way, and the provision a cycle route. The relevant contributions for this site have already been secured via the outline approval, however the production of a bespoke travel plan would be required and this will be the subject of a condition.

Crime Prevention

- 10.24. There is no objection to the principle of this development, but there are a number of security issues and risks associate with this type of use It is recommend that a condition be imposed which requires the submission of a scheme identifying crime prevention measures for the site, which in this case would include lighting details, CCTV; boundary treatments and site management.
- 10.25. Adding a crime prevention condition will satisfy Policy BE23 of the Unitary Development Plan, in this case.

11.0 CONCLUSION

- 11.1 The proposal would deliver the development of the final plot (A2) of the Employment element of the approved Peat Ponds mixed use scheme, with an acceptable use providing inward investment into the area, and up to 87 jobs (full and part time). The implementation and satisfactory completion of conditions on the outline approval , have provided for a site ready to receive this new development
- 11.2 Access and traffic arrangements proposed correspond to the site wide highways and transport strategy, already agreed and the internal arrangements are acceptable.
- 11.3 .The buildings style and appearance is considered appropriate, given its use, and its location next to other industrial uses with similar style buildings.
- 11.4. As such there is no objection to this scheme, and no objection is raised subject to the imposition of appropriate conditions

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 years to commence the development
2. Develop in accordance with approved plans
3. Samples of materials
4. Details ,of boundary treatments
5. Landscape details
6. Highway conditions
Visibility splays; provision of footpath along Lindley Moor Road; surfacing and drainage of the car park and service areas; construction management plan; provision of a Travel Plan; provision/ completion of outstanding infrastructure works required under the outline approval, prior to the Dealership being brought into use(Grampian),
7. Lighting condition
8. Crime Prevention condition
9. Drainage conditions

Background Papers:

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90074>

Certificate of Ownership –Certificate A signed

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Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2018/90242 Change of use from stone yard to tree/log storage yard The Old Stone Yard, Near Bank, Shelley, Huddersfield, HD8 8LS

APPLICANT

Martin Locke, Beneficial
Tree Care Ltd

DATE VALID

23-Jan-2018

TARGET DATE

20-Mar-2018

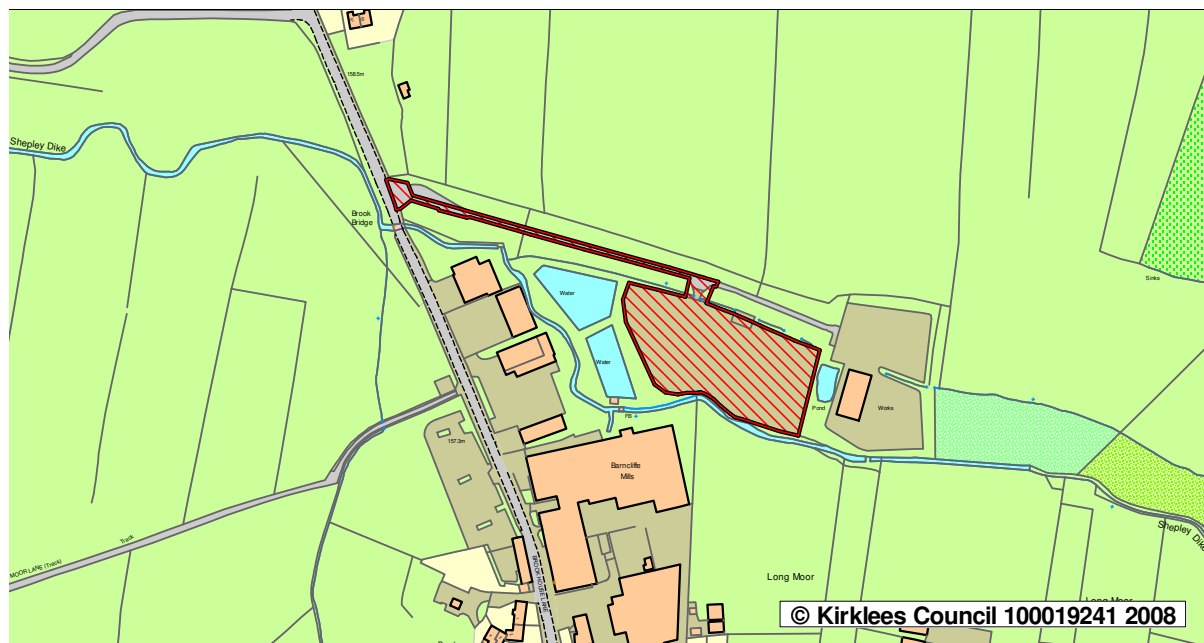
EXTENSION EXPIRY DATE

13-Apr-2018

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Kirkburton Ward

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 The application seeks permission to change the use of a stone yard to a tree/log storage yard in connection with an existing arboricultural depot, construct a concrete base 14m x 17.5m with a covered log store area measuring 5 x 17.5 metres with a maximum height of 4 metres and erect a 1.8m high, green powder coated palisade fence around the boundary. Beneficial Tree Care Ltd are the applicants and are an existing business at Shelley. The application is brought to Strategic Planning Committee for a decision as the site area exceeds 0.5 hectares. The application was deferred from the 8th March Strategic Planning Committee due to adverse weather conditions.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site comprises an external storage yard of a stone merchants business located off Near Bank at Shelley. The site is relatively flat and comprises areas of outdoor storage with a number of skips /metal storage containers. The site is accessed off Near Bank by a single width track which is shared with the existing arboricultural depot business.
- 2.2 To the north, the site borders adjacent undeveloped green belt land, to the east of the site is the existing arboricultural depot business, to the south is Barncliffe Mills beyond which is further open undeveloped land and to the east are two ponds, beyond which are industrial buildings. Public right of way KIR/147/10 follows a route across the north-western part of the existing yard.

3.0 PROPOSAL:

- 3.1 The application seeks permission for the change of use of the existing stone cutting and storage yard to a tree/log storage yard, in connection with the existing arboricultural depot to the east of the site; Beneficial Tree Care Ltd. The proposal also includes the following elements which are classed as operational developments:
- construct a concrete base (dimensions 14mx 17.5m)

- construct a covered log store partly on this base (dimensions 5m x 17.5m with a maximum height of 4 metres) The structure incorporates a simple frame and mono pitch roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations.
- erect a 1.8m high, green powder coated palisade fence around the boundary

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 95/90693 – Use of existing hard standing for storage of coursed stone with associated use to adjacent building – Conditional Full Permission

4.2 Adjacent land to the east:

2001/93336 – Erection of stone cutting industrial unit and settlement pit – Conditional Full Permission

2011/90466 – Change of use of part of stone yard to arboricultural depot – Conditional Full permission

2015/93091 – Erection of two single storey storage/workshop units – Conditional full permission

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 Officers negotiated with the applicant to provide:

- Details of how the proposal would impact on the Public Right of Way.
- Details of the proposed log store

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 The site is allocated as green belt on the UDP proposals map.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 **BE1** – Design principles
BE2 – Quality of design
T10 – Highway Safety
T16 – Pedestrians Safety
NE9 – Retention of mature trees
G6 – Contaminated Land
EP11 – Integral landscaping scheme to protect / enhance ecology
EP4 – Noise Sensitive Uses

6.3 Kirklees Publication Draft Local Plan

- PLP1** – Presumption in favour of sustainable development
PLP21 – Highway safety and parking
PLP 30 – Biodiversity and Geodiversity
PLP53 – Contaminated and unstable land

National Planning Policy Framework:

- 6.4 **Chapter 1** – Building a strong, competitive economy
Chapter 3 – Supporting a prosperous rural economy
Chapter 9 – Protecting Green Belt Land
Chapter 10 - Meeting the challenge of climate change, flooding
Chapter 11- Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by neighbour letter, site notice and press notice with the publicity due to expire 2nd March 2018. Any comments received after the agenda has been produced will be included and responded to within the committee update.

To-date, as a result of this publicity one representation has been received in support of the proposal making the following comments:

“I would like to fully support this application. The site area would be put to good business use. Beneficial Tree Care have built an excellent professional reputation and fully deserve to be helped in addressing their business needs by approving this application”.

Kirkburton Parish Council – No comment

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

K.C Highway Services (including Public Rights of Way comments) – No objections

Environment Agency – Standing Advice applies

8.2 **Non-statutory:**

Pollution & Noise Control- No objections subject to condition regarding operational and delivery times.

9.0 MAIN ISSUES

- Principle of development
- Highway Safety
- Residential amenity
- Flood Risk issues
- Ecology Issues
- Representations

10.0 APPRAISAL

Principle of development

- 10.1 The site is located within the Green Belt where paragraphs 87-90 of the National Planning Policy Framework (NPPF) states how proposals should be assessed. Paragraph 89 states local planning authorities should regard the construction of new buildings as inappropriate in Green Belt. There are exceptions to this and one of which is the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Paragraph 87 states that inappropriate development, is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 90 of the NPPF states certain forms of development are not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land with the Green Belt. These include engineering operations.
- 10.2 The proposal seeks permission primarily for the use of the existing stone storage yard to store logs, in association with an existing arboricultural depot business; Beneficial Tree Care Ltd on the adjacent site. Some operational development is also proposed but is limited to the construction of a concrete base 14mx 17.5m, a covered log store which would sit on approximately one third of the width of the proposed concrete base and the erection a 1.8m high, green powder coated palisade fence around the boundary. The log store would have dimensions of 5 x 17.5 metres and a maximum height of 4 metres. The structure incorporates a simple frame and roof, with open sides on the eastern and western elevations and timber boarding to the shorter northern and southern elevations. The proposal is located on land that has previously been used as a stone yard and is therefore classed as brownfield land. The laying of a concrete base is classed as engineering works and is allowed under paragraph 89 of the NPPF and therefore not considered to be inappropriate development within the Green Belt. The other elements of erecting boundary fencing and a covered area will have some impact upon the openness of the Green Belt but these elements are minor forms of development, with minimal impacts and are not considered to be demonstrably harmful to the Green Belt or conflict with the purposes of including land within it. The proposed use would support the existing rural business in accordance with the principles of chapter 3 of the NPPF. This states plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

- 10.3 The existing site is located in amongst other buildings and existing structures in the vicinity and the site is not considered to be highly visible within the landscape. The storage of logs is by its nature a temporary and fluctuating activity which would not have a detrimental impact on the openness of the Green Belt. The existing tree/hedge screen would remain and would provide an element of screening to the site to preserve the visual amenities of the Green Belt, which could be supplemented by additional planting if necessary by a condition. Overall, the proposed concrete pad, covered store and fence are considered to be acceptable and would not be harmful to the openness of the Green Belt.

Highway Safety

- 10.4 Policy T10 of the UDP sets out the matters against which new development will be assessed in terms of highway safety. The site is accessed from an existing private driveway opening on to Brook House Lane, an unclassified 30mph two lane single carriageway with a footway on the side of the proposal site access and street lighting present.
- 10.5 The uses are similar and, even though there are no traffic generation figures submitted Highway Services consider that the development traffic would be comparable in both volume and composition and therefore would have very little impact on the operation of the local highway network.
- 10.6 The access is an existing stone yard access with what appears to be adequate radii and visibility for goods vehicles. There are no recent collisions within the area and no patterns appear to form with historic collisions.
- 10.7 There is a PROW (footpath KIR 147-10) that passes through the site. The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered. The proposed palisade fencing would cut across its existing route and the applicant has indicated an application to divert the PROW has been lodged with the PROW section and is ongoing. The proposed route for the diversion is shown on the block plan, which is proposed to be to the south of the adjacent pond and to the north of the existing yard. The issue is however that the development may not be deliverable until the PROW diversion has been completed. To address this matter Highway Services and PROW suggest a condition that no development shall commence until a scheme for the diversion of the footpath has been approved and that the existing footpath is not obstructed before such time as the diversion takes place.
- 10.8 Overall, Highways Development Management consider that this application is, in principle acceptable subject to a condition that no part of the development shall commence until the scheme for the diversion of footpath KIR 147-10 has been approved. This is to ensure that the development is deliverable. Subject to the inclusion of this condition there would be no detrimental impact on highway safety and the proposal would accord with Policy T10 of the UDP.

Residential Amenity

- 10.9 There are no residential dwellings in immediate proximity of the application site, but there are residential properties off Near Bank to the north and Long Moor

Lane to the south. To assess the possible impact on the residential amenity of the occupiers of these properties from noise disturbance Environmental Services were consulted. In the interests of the amenity of occupiers of neighbouring noise sensitive properties Environmental Services recommend a condition that no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays with no activities on Sundays or Bank Holidays. Subject to the inclusion of this condition there would be no detrimental impact on residential amenity.

Flood Risk Issues

- 10.10 The NPPF sets out the responsibilities for Local Planning Authorities in determining planning applications, including Flood Risk Assessments, taking climate change into account and the application of the sequential approach. The site lies within flood zone 3, however the proposal is for a development which is classified as less vulnerable. The proposed change of use from an existing stone yard to a storage area for logs would not result in any flood risk issues and the Environment Agency have no specific comments to make.

Ecology Issues

- 10.11 UDP Policy EP11 requests that applications for planning permission should incorporate landscaping which protects/enhances the ecology of the site. The site is located within the bat alert layer. The Council's ecologist has no objection to the proposed change of use. However they have raised concern that any artificial lighting could have a significant impact on the function of the adjacent Kirklees Wildlife Habitat Network. Accordingly a condition is suggested that no such lighting be installed.

Representations

- 10.12 One representation has been received in support of the proposal as detailed above. Kirkburton Parish Council have made no comments.

11.0 CONCLUSION

- 11.1 The proposed change of use of the existing stone yard to a log storage yard for the adjacent arboricultural depot is considered to be an appropriate use within the Green Belt. It would have no materially greater impact on the openness and visual amenities of the Green Belt than the existing stone storage yard in accordance with Paragraph 90 of the NPPF, and would not conflict with the purposes of including land with the Green Belt. The proposed concrete base structure with a covered area for log storage would not have a detrimental impact on the openness of the Green Belt due to its limited scale and the location of the buildings amongst existing buildings within the landscape. There would be no adverse impacts on highway safety or residential amenity and there would be no increase in flood risk. Recommendation is for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 year time limit
2. Development in accordance with the approved plans

3. Development not to commence until a scheme for the diversion of footpath KIR 147-10 has been submitted and approved and that the existing footpath is not obstructed before such time as the diversion takes place.
4. Fence to be 1.8m high and powder coated green colour details to be submitted
5. Tree/hedges along the boundaries of the site to be retained
6. Hours of operation - no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 0800-1800 Monday to Friday and 0800-1600 Saturdays. No activities shall take place on Sundays or Bank Holidays.

NOTE: Public footpath number KIR 147-10, which crosses/abuts the site appears to be obstructed. Please contact Kirklees Council Public Rights of Way Team.

Public footpath number KIR 147-10 shall not at any time prior to, during or after construction of the proposed development be unofficially obstructed or closed without prior written consent of the Local Planning Authority and the granting of planning permission does not in itself constitute authority for the interference with the right of way or for its closure or diversion. In the event of planning consent being granted, the applicant will still be required to enter in to a separate legal process, with separate costs, in order to divert or close the public footpath.

Background Papers:

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90242>

Certificate of Ownership –Certificate A signed:

Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

Subject: Planning Application 2018/90163 Change of use from plant nursery with retail sales to garden centre and formation of new access Fenay Bridge Nursery, Fenay Lane, Fenay Bridge, Huddersfield, HD8 0AR

APPLICANT

A Shepherd

DATE VALID

24-Jan-2018

TARGET DATE

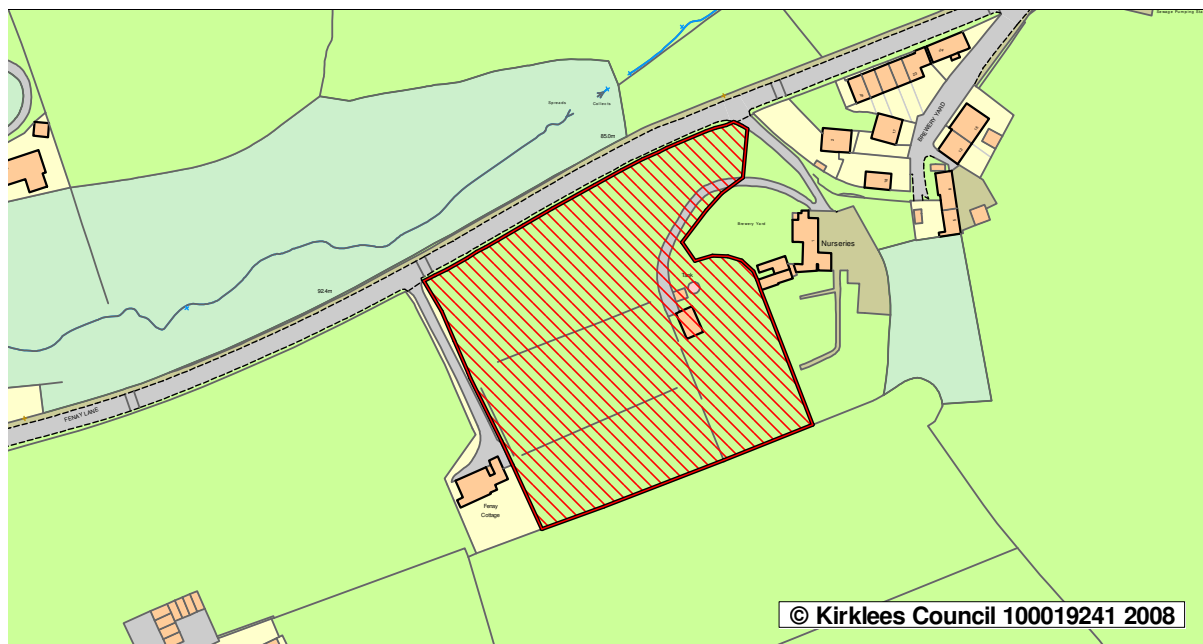
25-Apr-2018

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Almondbury

Yes

Ward Members consulted.
referred to in report

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report

1.0 INTRODUCTION:

- 1.1 The application is brought to the Strategic Planning Committee in accordance with the Councils agreed scheme of delegated authority as the site exceeds 0.5 hectare and relates to a non- residential use.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application relates to a site area of approx. 1.25ha. The site is accessed via a steep drive off Fenay Lane in the north east part of the site. Over two thirds of the site is occupied as a plant nursery and accommodates a number of poly-tunnels, open growing beds and two permanent buildings at the eastern end of the site. The remainder of the site accommodates level concreted areas. East of the site, is land in the ownership of the applicant consisting of a grade II listed residential property. There are open fields to the south and west with a small cluster of residential properties beyond the south west corner of the application site. The site is stated to be vacant since June 2017.

3.0 PROPOSAL:

- 3.1 The proposals are identical to the extant permission under application no. 2014/93595. The agent states the previous permission is due to expire on 21st December 2018 and as yet not no developer has come forward to carry out the development as previously approved.
- 3.2 The proposals are for the change of use of this site with retail sales to garden centre and the formation of a new vehicular access from Fenay Lane along the north western part of the site. Its former use was a plant nursery which ceased to operate in June 2017. From the information submitted with the application it is proposed to utilise the poly-tunnels together with the two existing permanent buildings for the display and retail sales areas.
- 3.3 The supporting statements accompanying this application is the same as those submitted under the 2014/93595 application which states the proposals to comprise of:
- 1,160 square yards (970 sq. m) of covered retail area in the areas indicated on drawing no. MS1,

- Sales at tills and ancillary café with toilets accommodated in one or both of the two permanent buildings, with a total floor area of approximately 260 square yards (217 sq. m).
- Retention of the open growing beds in the middle of the site
- Rationalisation of existing poly-tunnels

3.4 It is again, intended to close off the existing access replacing it with a new vehicular access to be formed in the north- west part of the site which would involve the construction of retaining walls. Existing areas of hardstanding within the site will be used for car parking. The proposals do not include any formal car parking layout.

3.5 It is anticipated that a total of 12 employees would be required

3.6 Hours of opening are indicated to be 9.30am to 6pm Monday to Friday and 10am to 6pm on weekends including bank holidays.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

4.1 2016/93230 – demolition of existing and erection of 5 no. dwellings- refused and dismissed on appeal for the following reasons:
Inappropriate development which would have a greater impact on the openness than the existing use with no very special circumstances to justify the development.

2014/93595 - change of use of this site with retail sales to garden centre and the formation of a new vehicular access from Fenay Lane – Conditional full permission by Strategic Committee Members December 2015

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

5.1 None

6.0 PLANNING POLICY:

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Kirklees currently comprises the saved policies within the Kirklees Unitary Development Plan (Saved 2007). The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25th April 2017, so that it can be examined by an independent inspector. The Examination in Public began in October 2017. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. At this stage of the Plan making process the Publication Draft Local Plan is considered to carry significant weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

6.2 Kirklees Unitary Development Plan (UDP) Saved Policies 2007:
T10 – Highway safety

T19 – Parking standards
D2 – efficient operation of existing and planned infrastructure

6.3 Kirklees Draft Local Plan Strategies and Policies (2017):

PLP10 - Supporting the rural economy
PLP 21 Highway safety and access
PLP28 – Drainage
PLP35 – Historic environment
PLP51 – Protection and improvement of local air quality
PLP53 – Contaminated and unstable land
PLP57 - the extension, alteration or replacement of existing buildings in the GB
PLP59 – infilling & redevelopment of brownfield sites

6.4 National Planning Guidance:

Section 2 – ensuring the vitality of town centres
Section 3 – Supporting a prosperous rural economy
Section 9 – Protecting the Green Belt Land
Section 10 – Meeting the challenge of climate change, flooding and coastal change
Section 12 – Conserving and enhancing the historic environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised by site notices, in the local press and letters posted to neighbours abutting the site. In accordance with protocol, Ward Members were informed of the application/proposals. The publicity period expired on 14th March 2018. No representations are received.

8.0 STATUTORY CONSULTEE RESPONSES:

K.C DM Highways – no objection subject to conditions
K.C Lead Local Flood Authority (LLFA) - Informative notes/advice

K.C Public rights of Way (PROW) - no comments to make

9.0 MAIN ISSUES

- Applicants statement
- Principle of development
- Residential & visual amenity
- Heritage issues
- Highway issues
- Drainage issues
- Representations
- Conclusion

10.0 APPRAISAL

Applicants statement:

- 10.1 The site is stated to be vacant whereas at the time of considering the 2014 application it was partly in use as a plant nursery. As stated above the application is submitted with the same information and plans considered on the 2014/923595 application which at the time set out the applicants case as:

“Most of the poly-tunnels together with the two permanent buildings at the eastern end of the site are to be retained essentially for the core business of display and retail sales.

With regard to the existing operation the applicant states that “the majority of plants on site are bought in from growers predominantly in the North of England. They are then grown on in containers in the poly-tunnels to reach a size when they can be sold on to retailers or landscape gardeners. There are currently no imports as the recent harsh winters have caused a lot of lost stock being unable to survive our cold temperatures, even in poly-tunnels. This is why the nursery deals almost exclusively with domestic growers with plants being more hardy and able to withstand colder temperatures.

The element of retail is now only about 5% of total turnover. Up to the end of the 1980's the nursery advertised and operated equally as wholesale and retail. At that time wholesale began to dominate turnover and was seen as being more profitable than retail, as more customer service was necessary for the retail side. Currently the bulk of retail sales result from referrals from landscape gardeners who are aware of the stock and local people who know of the nursery.”

- 10.2 It was stated that approximately 10,000 sq feet of covered retail area would be provided as shown on the submitted plan.
- 10.3 Growing beds either in open ground in the middle of the site or in some or all of the existing polytunnels at the end of the site would be retained. Their appearance would be improved or they would be demolished.

“The proposed operation would still involve bringing in young seedlings to grow on to maintain the wholesale side of the business. They would then be used for both wholesale and retail sales. At the moment the nursery has spare capacity to be able to expand total stock. It is envisaged that plants for sale would be displayed in the polytunnels but actual sales at tills would take place in one or both of the two existing buildings of permanent construction shown on Plan MS1 submitted as part of the application. Within those two buildings, which have a total floor area of approximately 260 square yards, would also be displayed for sale higher value stock such as garden implements, fertilizers, garden clothing etc. There would also likely be an ancillary café and toilets, all of which are, of course, normally found within modern garden centres.

Ancillary goods would also be offered for sale as is now the market norm with garden centres. Sales of higher value goods would take place in the more substantial buildings which would be more secure than poly-tunnels.

The internal layouts within the two buildings have not been finalised. Once planning permission has been granted full details will be provided in anticipation that such will be required by condition before development commences.

It is accepted that the two permanent buildings are fairly basic structures and it is most likely that a further application will be made for changes to improve their external appearance. However, it is made clear that neither at this change of use stage or at any subsequent stage is it intended that there will be any increase in their footprint. As such there will be no greater impact on the openness of the green belt than the two permanent buildings and polytunnels currently have.

The application is merely for a change of use of the site together with a new access road. It is acknowledged that details of car parking and servicing will need to be provided, for which there is clearly ample space.”

- 10.4 The applicant adds that the new access will be formed to accommodate the significantly increased public usage. The new access is designed taking into account the level changes and the existing banking. Vegetation would be cleared but none is of ecological or visual merit. Replacement planting would be acceptable.
- 10.5 The existing site access would be closed. The applicant considers that this has restricted visibility along both sides of Fenay Lane. The access involves HGV vehicles parking on Fenay Lane. The new access will remove this as well as providing improved visibility and gradient.

11.0 ASSESSMENT

Principle of development:

- 11.1 The site lies within the Green Belt on the Councils UDP. The change of use proposed is inappropriate development within the Green Belt and is therefore by definition harmful and should not be approved except in very special circumstances (para 87 NPPF).
- 11.2 Substantial weight should be given to any harm to the Green Belt; very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para 88 NPPF).
- 11.3 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- 11.4 The site, although now stated to be vacant since June 2017, was previously used as a plant nursery with wholesaling, distribution and sales to the public since the 1980's. The site and the previous operation was well established and accommodated a number of poly-tunnels, open growing beds, two permanent buildings and areas of hardstanding within the site, with mature trees, hedges, landscaping and boundary walling.
- 11.5 Whilst visible within the landscape from more longer distant views, the site in its existing form is not considered to be unduly harmful to the openness of the Green Belt.
- 11.6 On the 2014 application the applicant stated that the use proposed will make utilise the existing growing beds and retail sales areas will be accommodated within the existing buildings and poly-tunnels. Car parking to support the change of use was to be accommodated using areas of existing hardstanding within the site.
- 11.7 At the time, officers considered that the change of use proposed from plant nursery to garden centre and car parking would not materially alter the physical character of the site nor would it result in significantly greater harm to the openness of the Green Belt than that which currently exists. Officer's opinion remains the same as it did previously.

- 11.8 The engineering operation of forming the new access is not inappropriate in the Green Belt provided that the openness of the Green Belt is preserved and it would not conflict with the purposes of including land in Green Belt. (para 90 NPPF).
- 11.9 The proposed new access from Fenay Lane would 'dog leg' up the existing vegetated embankment to meet an area of existing hard standing on the predominantly flat site above. Significant excavations and retaining structures will be required to accommodate the access, which in the opinion of officers, would have a significant impact upon the appearance of the embankment in the short term. In view of this, to lessen its affect over time, to help reduce the impact on the openness of the Green Belt and mitigate the stark appearance of the retaining structures, it is proposed to incorporate landscaping to either side of the proposed access as shown on drawing no. LD0007_201 Rev B, which are identical to that considered on the 2014 application.
- 11.10 In order to accommodate the proposed car parking area, landscaping within the site would need to be removed and the banking between the existing areas of hardstanding would need to be regraded, with the construction of a retaining wall within the site, adjacent to the proposed car park area.
- 11.11 Whilst the landscape layout shows how the visual impact of the proposed access will be mitigated, the engineering works proposed would have a greater impact upon the openness of the Green Belt than existing and therefore the engineering works themselves are also considered to be inappropriate.
- 11.12 It is therefore necessary to consider whether there are any other considerations that would outweigh the harm to the Green Belt in order to decide whether very special circumstances exist:
- Until the site becoming vacant in June 2017, the previous use/business was well established. This included wholesale and distribution and the sale of plants to the public without restrictions on opening hours. Historically the existing use also included an element of retail sales.
 - The proposal would create additional employment opportunities (estimated by the applicant to be 12). This would be in accordance with the advice of NPPF paragraph 19 which seeks to secure economic growth stating that "significant weight should be placed on the need to support economic growth through the planning system." Furthermore, this would support economic growth in a rural area through the conversion of the existing permanent buildings on site and increased employment opportunities for an existing land based rural business, in accordance with paragraph 28 of the NPPF.
 - The proposals will help improve the overall appearance of the site through rationalisation of the existing buildings, poly-tunnels and planting beds and improved landscaping.
 - The existing access into the site is substandard in terms of its gradient and visibility. The development provides an opportunity to address the existing access constraints through the formation of a new access.

- A grant of planning permission would give the Local Planning Authority the opportunity to control opening hours and the way in which the garden centre would operate, including limiting the extent of retail space and providing suitable parking facilities for staff and customers.

11.13 Taking into account the nature of the recent former use and current state of the site, the very special circumstances are demonstrated to be:

- benefits to the rural economy arising from the diversification of the previous use of the site,
- opportunity to improve the overall appearance of the site through the rationalisation of existing buildings and structures,
- vehicular access improvements, and
- the opportunity to control opening hours and the operation of the business.

11.14 Officers are of the opinion that the above very special circumstances which were previously considered to outweigh the potential harm to the Green belt on the 2014 application remain valid and acceptable on this application as the proposals are identical to those on the extant permission for application no. 14/93595. The proposals would accord with guidance in the NPPF as well as Policy PLP57(c) PLP59(e) of the PDLP and as such does not represent a departure from the UDP.

Impact on nearby Local Centres:

11.16 Section 2 of the NPPF advises Local Planning Authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre.

11.17 The change of use to a garden centre would result in a Class A1 use being formed on this site. This is a main town centre use and this site is out of centre. However, in the light of the applicant's statement above regarding the nature of the proposed and existing business and given that the operations of a garden centre are location specific, it was not considered necessary to request a sequential test in this case. Specifically as the ancillary retail and café/ toilets are to be conditioned to the areas specified and set out above.

11.18 The proposals as such would ensure that the vitality of nearby town centres is not compromised and therefore would be in accordance with section 2 of the NPPF.

Highway issues:

11.19 Policy T10 of the UDP states that new development should not materially add to any highway safety implications. Guidance in the NPPF states under paragraph 32 that plans and decisions should take account of whether, amongst other things, "safe and suitable access to the site can be achieved for all people". It goes on to state however that 'development should only be prevented or refused on transport grounds where the residual cumulative

impacts are severe'. Policy PLP21 of the PDLF reflects the above requirements and aims to ensure the safety of all users of the network is safeguarded.

- 11.20 The associated highway works are identical to those submitted and considered under the 2014 application, which include closing off the existing steep drive and to provide a new access and drive into the site in the north west part of the site, to be served from Fenay Lane. At the time Highway Officers requested further information in the form of vehicle swept paths along the proposed drive to assess the suitability of the access to accommodate HGV and other vehicle turning manoeuvres. In addition, given the proposed development would include an ancillary café and retail areas which would indisputably intensify the use of the site and vehicular movements to and from the site, the provision of on-site parking was demonstrated on an indicative car park layout. Drawing no. 03 demonstrates in part where parking provision could be accommodated on site. The formal details of car parking to serve the proposed use would need to be provided prior to the use becoming operational and can be secured by condition. This would be both in the interests of highway safety and in the interests of preserving the openness of the Green Belt.
- 11.21 It is accepted, as previously that the parking provision relative to the ancillary café and retail areas can be accommodated along the north eastern and western part of the site. Some of that area consists of fairly level existing concreted areas as well as disturbed gravel surfaced open plant beds. As stated above, this would require some engineering works to cut/infill to level the area.
- 11.22 Taking the above into account, and given the extent permission of identical proposals, officers opinion remains that on balance it is considered the residual cumulative impact on highway safety would not be 'severe' subject to the closing off the existing access and the provision of parking spaces before the ancillary retail and café areas are brought into use, as stated above, in accordance with Policies T10 and T19 of the UDP, Policy PLP 21 of the PDLF and advice in the NPPF.

Impact on visual and residential amenity:

- 11.23 The creation of a new vehicular access would result in part removal of the existing landscaping and embankment along Fenay Lane. Whilst this provides some amenity value along Fenay Lane it is not of a quality to be protected by way of a preservation order.
- 11.24 In the light of this and the applicant's agreement to condition replacement planting as stated above, the proposals involve little change to the external appearance of the site.
- 11.25 The site is separated from residential property to the south west and north east. The provision of a formal parking area in the north east part of the site would have no greater impact on the nearest property, beyond the south west corner of the site. In addition, conditioning the opening hours as stated on the application form would further ensure the amenity of nearby residential properties is not compromised. In such circumstances the proposal would not be harmful to residential amenity of any nearby residential properties.

Heritage issues:

- 11.26 Turning to the impact on the adjacent listed building, north east of the site, the Physical works to the accommodate the access would not be in close proximity to this listed building and as such the setting of this building would remain unaltered and therefore the proposals would cause no harm to the visual amenity or the setting of this listed building, in accordance with in accordance with paragraph 134 of the NPPF and the duty set out in the Listed Buildings and Conservation Areas Act 1990 and Chapter 12 of the NPPF and Policies PLP24 and 35 of the PDLF.

Drainage considerations:

- 11.27 With regards to Drainage issues, the LLFA on the 2014 application raised no objections and stated an examination of any additional hardstanding surface is required in respect of drainage and quality of any discharge to determine whether attenuation is required and the use of an oil/petrol interceptor. The advice on this current application is in line with the previous comments. Should Members be minded to approve the application, evidence of the existing and proposed surface water drainage arrangements would need to be submitted and approved by condition, as on the previous permission. Subject to the imposition of appropriate drainage conditions, it is considered the site can be adequately developed in accordance with the guidance in the NPPF, Policy PLP28 of the PDLF and UDP Policy D2.

Representations:

- 11.28 None received

Conclusion:

- 11.29 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 11.30 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.
- 11.31 Whilst the proposals constitute inappropriate development in the Green Belt, in light of there being no significant change in circumstances since the granting of the extant permission under application no. 2014/93595, Officers opinion remains the same as previous which is on balance that very special circumstances have been demonstrated which clearly outweighs the harm to the Green Belt by reason of inappropriateness and any other harm.
- 11.32 The conditions imposed on the 2014 permission are still considered necessary, relevant and appropriate for this application and would include restricting the ancillary café and retail areas to the areas identified on drawing no. MS1. There would be no materially harmful impact on the setting of the adjacent listed building, residential or visual amenity and highway safety.
- 11.33 In such circumstances it is considered that there are no adverse impacts of granting permission which would significantly and demonstrably outweigh the benefits when assessed against the policies in this framework taken as a whole,

or that specific NPPF policies indicate development should be restricted. In such circumstances the application is recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)
GRANT CONDITIONAL FULL PERMISSION

Conditions:

1. Time limit 3 years
2. In accordance with submitted plans/specifications
3. Restrict the hours of operation/use
4. Restrict the use garden centre and for no other purpose (including any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987
5. To restrict the ancillary retail sales areas/including café/toilets to the areas edged green on drawing no. MS1.
6. Scheme of highway works at site access road and the site access junction with Fenay Lane, including the footway along the site frontage (with reference to drawing no. 890/03) and all associated highway works.
7. Details of formal car park layout, service areas and waste storage within to be submitted and approved.
8. Visibility splays of 2.4 m x 43 m in both directions along Fenay Lane to be provided
9. The existing access to be permanently closed and the new access to be constructed in accordance with approved details
10. Details for the design and construction details of all temporary and permanent highway retaining structures within the site and off-site (retaining wall at Fenay Lane
11. Permeable surfacing of approved vehicle parking areas
12. Details/schedule of the means of access to the site for construction traffic including details of the times of use of the access
13. Details of the treatment of all surface water flows from parking areas and hard standings.
14. Details of a landscaping scheme i
15. Approved landscaping scheme to be carried in accordance with approved timescales & maintained for a period of five years from the completion of planting works.

Application and history files.

Website link to be inserted here <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f90163>

Certificate of Ownership – Notice served on:

The Shepard Foundation, C/o Mr A Shepard, High Green House, 1 Brewery Yard,
Fenay Lane, Fenay Bridge, Huddersfield HD8 0AR

Certificate B signed:

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

05 APRIL 2018

PLANNING APPLICATION - 2017/93886

ITEM 11 – PAGE 17

ERECTION OF EXTENSIONS AND ALTERATIONS TO CONVERT EXISTING BUILDING TO STUDENT ACCOMMODATION (WITHIN A CONSERVATION AREA) CO-OP BUILDING, 103, NEW STREET, HUDDERSFIELD

Viability

Further to the details contained in the officer report, the Council's viability assessors have concluded their final report. The conclusions of the viability report clearly demonstrate that the extensions as proposed are the minimum required to bring the building into a viable use. Even on the basis of a three storey extension, the scheme would generate a profit less than the industry standard for a developer and, therefore, the proposed development is considered to be marginally viable. Full details are set out in a confidential paper should members wish to interrogate the details any further.

Materials

The proposed extension would be clad. Further discussions have taken place between the applicant, Historic England and the Conservation and Design Officer. The applicant proposes an anodised aluminium product from a company based in Huddersfield. Officers have viewed the materials in situ on a recently built development in a Conservation Area in Sheffield and consider that it represents a high quality product.

In respect of the colour, it is considered necessary to ensure that there is a contrast between the existing stone work and the proposed cladding. There are a number of options but at this stage it is proposed that the material be a darker bronze cladding.

Based on the above, the proposed materials are considered to respond appropriately to local vernacular. Para 131 of the NPPF requires:

In determining planning applications, local planning authorities should take account of:

- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

- *the desirability of new development making a positive contribution to local character and distinctiveness.*

Subject to a further planning condition concerning the colour, panel size and installation/attachment method and detailing, the proposed development is considered to address the requirements of para131 of the NPPF as the viability appraisal has satisfied officers that the works are necessary to bring the building back into viable use.

CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Strategic Investment)

1. 3 years
2. Approved Plans
3. Materials including method statement, details of windows
4. Materials – colour, cladding panel details, method of fixing.
5. Strategy for renovating existing building and details of all works including a phasing agreement.
6. Details of servicing and bin storage
7. Details of plant
8. Biodiversity enhancement
9. Crime Prevention
10. Occupation by students only
11. Construction Management Plan

PLANNING APPLICATION - 2018/90586

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ERECTION OF 160 RESIDENTIAL UNITS, INCLUDING A 50 UNIT EXTRA CARE FACILITY (C3), PROVISION OF PUBLIC OPEN SPACE AND ENGINEERING OPERATIONS LAND TO THE WEST OF ASHBROW INFANT AND NURSERY SCHOOL, ASHBROW ROAD, ASHBROW, HUDDERSFIELD.

Additional Consultee Responses

Yorkshire Water – no objection subject to condition

Lead Local Flood Authority – Further information required:

– Microdrainage Wizard Simulations to demonstrate that the site doesn't flood in a 1 in 100+ climate change (30%) critical storm event. In addition calculations clearly including defined flow controls and attenuation design performance in the 1 in 1 and 1 in 30 year return periods.

– Road Levels and levels around the attenuations structures (Engineering Layout) to demonstrate safe flood routing from blockage scenarios and exceedance events.

Strategic Housing - The Council has been in discussion with the applicant regarding affordable housing. The applicant has made an offer that exceeds 20% of units being allocated for affordable on-site housing.

West Yorkshire Archaeological Service - WYAAS' recommends that the site is subject to an archaeological evaluation prior determining the application. This advice is in keeping with both national and local guidance. Should this advice be ignored then the WYAAS recommend the following condition, in accordance with the Department of the Environment's Circular 11/95, is attached to any grant of planning permission awarded:

"No development to take place within the area indicated until the applicant, or their agents or successors in title, has secured the implementation of a programme archaeological recording. This recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority."

Environmental Protection – No objection subject to conditions.

Public Rights Of Way

Comments from the PROW Officer - Details of levels/sections of step link would have to be agreed later – to involve s38 and highways structures I imagine. On plan view it's not possible to see and consider whether or where, walls or graded slopes are proposed.

Without the inter-PROW link, the path near the western boundary of the site becomes more important and improvement expected by PROW would be greater – either way a scheme should be required, agreed and implemented. With an inter-PROW link, then the standard of improvement expected of the boundary path would potentially be less, and could be limited to a walkable, trip-hazard free, easily drained route, clear of obstructions (including obstructing vegetation). Details to be submitted as part of the scheme required by condition. Without the link from the site extending to join the two PROWs, the boundary path works required should potentially include hard construction of a footpath to appropriate standards, at least to the southern part (HUD/382/20) otherwise the usefulness and functionality of the required 'steps' link route is reduced.

The application does not propose to divert any footpaths. Therefore, it is the intention that the PROW's would be retained along their current alignment. As detailed above, there is a lack of detail concerning the proposals for footpath HUD/382/20 in terms of improvement. Therefore, a condition is recommended requiring a scheme of improvement works to be submitted for agreement.

Crime Prevention

Comments from Police Architectural Liaison Officer (PALO) - In respect of crime prevention concerns, having an isolated footpath running adjacent to the back of rear gardens is far from ideal, for a number of reasons, including

the risk to the security of the rear of the houses, and the lack of surveillance of activity on the path which could adversely affect the safety of legitimate users of it. There is also the possibility of hidden loitering and anti-social behaviour occurring along the path.

In the event of a path being kept at this location, I would suggest that it is imperative that rear garden boundary treatments along the affected elevation are built higher than the standard 1.8m commonly used for garden fencing. I would suggest that the provision of 1.8m timber fencing topped with a trellis of 0.3m, so that the boundary is a minimum of 2.1m in height, would give a suitable fence height whilst also maintaining some surveillance from house windows of activity in the area around the path. The trellis can also be an effective deterrent to climbing.

If any new landscaping is proposed in the area immediately outside the line of the rear garden fencing, I would suggest that where possible there should be thorny defensive shrubbery along the fence line, forming a buffer area to protect the private garden space.

The current footpath HUD/382/20 is inconspicuous in places and it appears that a number of informal routes criss-cross the site. These appear to be well used by local people. As the development would take up a large proportion of the site, there is an opportunity to improve the usability of footpath HUD/382/20. This would be secured by condition (see PROW comments above). The consequence of improving accessibility means that the rear gardens of properties would be more accessible.

In response to the above, the applicant proposes defensive/thorny planting between the edge of plots 17 and 28 and has also amended the fence line so it is set back 2m from the footpath edge.

It is not feasible to set the fences of garden no's 31 – 42 back any further as the proposed garden are already relatively small. However, the applicant has amended the scheme to ensure that the retaining wall which was originally proposed as a stepped garden, would be moved to the boundary with the PROW. This would ensure that there would be a retaining wall at least 0.9m high with opportunities for further boundary treatments on top of the wall. The PALO officer recommends that final details be conditioned in order to maximise the safety of users of the footpath and maximise the safety for future occupiers.

Accessibility

The applicant considered a number of options to improve pedestrian accessibility from the Extra Care facility. This included a potential footpath through the woodland from the care facility in a southerly direction towards Ashbrow Road/Bradley Boulevard. However, this would have resulted in the significant loss of trees. Providing a route through the adjacent school car park was also not considered feasible. Consequently, the proposed pedestrian route from the extra care facility to Ashbrow Road/Bradley would route around the proposed estate road. The distance would be approximately 250m. It is accepted that there are level differences to negotiate but given the nature of the site and the associated constraints, it is not considered feasible.

to provide a significantly more accessible route for mobility impaired users in particular.

Trees

At the time of writing the update, the applicant was in the process of providing an additional tree plan to clarify that most of the existing TPO'd trees would be protected. On the basis of the forthcoming revised plan, the scheme is considered acceptable by the Tree Officer subject to planning conditions.

Housing Mix

In addition to the benefits of the scheme set out in the officer report, the applicant has clarified the following:

In total, the proposals will deliver 63 social rent affordable units, which represents 39% affordable housing within the proposed scheme. This is against a local policy requirement of 20% affordable housing. This will support the delivery of a mixed and sustainable community in line with the principles set out in paragraph 50 of the National Planning Policy Framework. This additional contribution to provide much needed social infrastructure is an important consideration in the overall viability of the site

In addition, the market housing delivered by Keepmoat is benchmarked based on the average earnings in the area to ensure affordability of the market housing for local populations. An extract from the affordability review is shown below to demonstrate the affordability of the units and relationship to average earnings.

| House Type | Beds | Average Price | Monthly Mortgage Cost (Help to Buy) - 2.6 | | Monthly Mortgage Cost Standard - 3.74 (10% dep) | | Salary Needed if using 4.5 multiple | | Average Earnings in Area |
|-------------|------|---------------|---|----------|---|----------|-------------------------------------|-------------------|----------------------------------|
| | | | 25 Year | 35 years | 25 Years | 35 Years | H2B | Standard Mortgage | |
| 768 | 2 | £145,998 | £463 | £370 | £630 | £523 | £22,500 | £26,000 | Single £26,328, Joint £45,149 |
| 953 | 3 | £173,035 | £549 | £439 | £747 | £620 | £26,666 | £32,000 | |
| 966v1 | 3 | £178,442 | £566 | £452 | £771 | £640 | £27,500 | £33,000 | |
| 968 | 3 | £200,072 | £635 | £507 | £864 | £717 | £30,833 | £37,000 | |
| 968 | 3 | £200,072 | £635 | £507 | £864 | £717 | £30,833 | £37,000 | |
| 1016 | 3 | £183,849 | £583 | £465 | £794 | £659 | £28,333 | £34,000 | |
| 1129 | 3 | £194,664 | £618 | £493 | £841 | £698 | £30,000 | £36,000 | |
| DH Split | 3 | £178,442 | £566 | £452 | £771 | £640 | £27,500 | £33,000 | |
| DH Split v1 | 3 | £178,442 | £566 | £452 | £771 | £640 | £27,500 | £33,000 | |

Officers consider that as detailed above, house prices would range from £146,000 up to £200,000. This would result in a mix of houses which would make a contribution to the local area in terms of providing houses for the local market.

Conclusion

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters. The site notice expires on 6th April so it is requested that the decision be deferred to the Head of Strategic Investment to

allow the consultation period to expire on the basis that no further significant issues are raised which have not already been addressed by the officer report.

S106 requirements:

1. Public open space provisions including off site commuted sum of approximately £102,374.07 in lieu of equipped play and future maintenance and management responsibility of open space within the site.
2. £271,818 towards Education (Ashbrow and North Huddersfield Trust School)

Conditions

1. 3 years
2. Approved plans
3. Phasing plan
4. Materials
5. Ecological enhancement
6. Construction management plan
7. Drainage
8. Contamination
9. Boundary treatments – revised details required for some of those boundaries facing the public footpath
10. Finished floor levels
11. Electric charging points
12. Noise mitigation
13. Details of junction and associated highway works
14. Details of internal adoptable estate roads
15. Design and construction of retaining walls
16. Drainage conditions including micro-drainage details and road levels around attenuation structures
17. Archaeological study and information
18. Yorkshire Water – no development within 5m of the centrelines of the sewers and water mains that cross the site. If diversion is required details to be submitted.
19. Details of off-site improvements to public footpaths
20. Lighting details
21. Noise/odour concerning ventilation system for extra care facility
22. Phase II contamination
23. Arboricultural method statement should be submitted
24. Landscaping

CHANGE OF USE AND ALTERATIONS TO EXTEND EXISTING CAR PARK ASHBROW SCHOOL, ASH MEADOW CLOSE, SHEEPRIDGE, HUDDERSFIELD.

Procedural Note and Impact upon adjacent protected Trees

An error has been noted within the Recommendation. The recommendation states that negotiations on protected woodland are being concluded, however if negotiations go beyond three months, *'permission should be refused on the grounds that the proposals are unacceptable on the grounds of flood risk'*. 'Flood Risk' is an error, and should correctly state 'harm to protected woodland'.

Notwithstanding the above further information has been provided by the applicant in regards to the impact upon the adjacent protected woodland'. Based on the further details, arboricultural officers are now satisfied that the proposal would not have a harmful impact upon the protected tree, subject to appropriate details provided within an Arboricultural Method Statement, to be secured via condition. As such the recommendation has been updated.

Updated Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report

ERECTION OF MOTOR VEHICLE DEALERSHIP COMPRISING CAR SHOWROOMS, WORKSHOPS AND MOT, ANCILLARY OFFICES, CAR PARKING AND DISPLAY, NEW VEHICULAR ACCESS AND EGRESS TO A643 AND LANDSCAPING LAND OFF, LINDLEY MOOR ROAD, HUDDERSFIELD.

Amended drawings

The applicant submitted amended drawings on 28/03/2018, and these were posted on the council's website on 29/03/2018. These drawings, however, included changes to the application site red line boundary (and a related 605sqm increase in the size of the site), and the committee would not be able to base its decision on these drawings as they have not been put to public consultation. The applicant has therefore agreed to withdraw these drawings and revert to their previous iterations. The amended drawings are due to be deleted from the council's website.

Representations

The Lindley Moor Action Group have expressed concern regarding the reporting of their previous comments, and have asked for the following points to be noted (quoted below in full with reference to paragraph numbers in the committee report):

- *The fiction of 87 jobs is laboured (3.5 proposal; 10.2 appraisal; 11.1 conclusion). It should be made clear that manpower will relocate from the two derelict sites discarded by the application.*
- *The four acre, 543 space car park gets no mention at all! The narrative quotes only 101 spaces (10.9 appraisal), giving a wholly false impression of the impact.*

Highways information

The applicant has submitted a further note (Sanderson Associates, 04/04/2018) regarding the likely impact of the proposed development upon the junction of Lindley Moor Road and Crosland Road. This note concludes that the traffic predicted to be generated by the development would not be material, and that the increased traffic would be diluted on the highway network.

Conditions

Amendment to highways conditions on summary list:

1. 3 years to commence the development
2. Develop in accordance with approved plans
3. Samples of materials
4. Details of boundary treatments
5. Landscape details

Highway conditions

Visibility splays; provision of footpath along Lindley Moor Road; surfacing and drainage of the car park and service areas; construction management plan; provision of a Travel Plan; provision/ completion of outstanding infrastructure works required under the Hybrid planning approval (2014/95136 condition 36), prior to the Dealership being brought into use(Grampian),

7. Lighting condition
8. Crime Prevention condition
9. Drainage conditions

CHANGE OF USE FROM PLANT NURSERY WITH RETAIL SALES TO GARDEN CENTRE AND FORMATION OF NEW ACCESS FENAY BRIDGE NURSERY, FENAY LANE, FENAY BRIDGE, HUDDERSFIELD.

Request to Members from agent:

“I am acting as agent in respect of the application on Thursday's agenda at Item 16 to change the use of the plant nursery at Fenay Bridge to a garden centre.

I would normally attend the meeting to speak in support of the application on behalf of my client but am unfortunately unable to do so on this occasion because of an unavoidable appointment.

I am pleased to note Officers are recommending that because there are no changed circumstances from when permission was granted in December 2015 that permission should be granted on this application also.

I am writing to ask that if the Committee are minded not to take the Officers advice and recommendation to approve that the application is deferred so that I may have the opportunity to address the issue(s) raised”

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