

# Public Document Pack



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

**Julie Muscroft**

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Tuesday 1 May 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 10 May 2018**.

(A coach will depart the Town Hall, at 9.30am to undertake Site Visits. The consideration of Planning Applications will commence at 1.00 pm in the Council Chamber, Huddersfield Town Hall).

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

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### Pages

**1: Membership of the Committee**

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

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**2: Appointment of the Chair**

The Committee will appoint the Chair for the meeting.

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**3: Minutes of the Previous Meeting**

1 - 6

To approve the Minutes of the meeting of the Committee held on 5 April 2018.

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**4: Interests and Lobbying**

7 - 8

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.

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**5: 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.

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## **6: 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.

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## **7: Public Question Time**

The Committee will hear any questions from the general public.

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## **8: Site Visit - Application No: 2017/93804**

Outline application (all matters reserved other than access) for erection of residential development (within a Conservation Area) Land at, Queens Road West, Milnsbridge, Huddersfield.

(Estimated time of arrival at site – 09:50am)

Contact Officer: Victor Grayson, Planning Services

Wards Affected: Golcar

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## **9: Site Visit - Application No: 2017/94366**

Change of use of land for bushcraft activities Land Adjacent Lock 38, off Marsden Lane, Marsden, Huddersfield.

(estimated time of arrival at site – 10:15 am)

Contact Officer: Neil Bearcroft

Wards Affected: Colne Valley

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## **10: Site Visit - Application No: 2018/90865**

External refurbishment and alterations to units 9-10, 12 and 17-20, installation of security fencing, replacement of external lighting and formation of carpark extension Unit 20, The Ringway Centre, Beck Road, Huddersfield.

(estimated time of arrival at site – 11:10 am)

Contact Officer : Nick Hirst

Wards Affected: Greenhead

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## Planning Applications

9 - 12

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 8 May 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: 2018/90586** 13 - 32

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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### **12: Planning Application - Application No: 2018/90074** 33 - 46

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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### **13: Planning Application - Application No: 2017/93804** 47 - 62

Outline application (all matters reserved other than access) for erection of residential development (within a Conservation Area) Land at, Queens Road West, Milnsbridge, Huddersfield.

Contact Officer: Victor Grayson

Wards Affected: Golcar

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**14: Planning Application - Application No: 2017/94366** 63 - 76

Change of use of land for bushcraft activities Land Adjacent Lock 38, off Marsden Lane, Marsden, Huddersfield.

Contact Officer: Neil Bearcroft, Planning Services

Wards

Affected: Colne Valley

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**15: Planning Application - Application No: 2018/90865** 77 - 86

External refurbishment and alterations to units 9-10, 12 and 17-20, installation of security fencing, replacement of external lighting and formation of carpark extension Unit 20, The Ringway Centre, Beck Road, Huddersfield.

Contact Officer: Nick Hirst, Planning Services

Wards Affected: Greenhead

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### **Planning Update**

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

Contact Officer: Andrea Woodside

## KIRKLEES COUNCIL

### STRATEGIC PLANNING COMMITTEE

**Thursday 5th April 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 Committee Members were present.

**2 Minutes of the Previous Meeting**

**RESOLVED** – That the Minutes of the Meeting held on 8 March 2018 be approved as a correct record.

**3 Interests and Lobbying**

All Committee Members declared that they had been lobbied on Applications 2018/90074 and 2018/90163.

Councillor Pattison declared an 'other' interest in Application 2018/90340 on the grounds that family members attend Ashbrow School.

**4 Admission of the Public**

It was noted that exempt information had been submitted in respect of Application 2017/93886.

**5 Deputations/Petitions**

None received.

**6 Site Visit - Application No: 2018/90242**

Site visit undertaken.

**7 Site Visit - Application No: 2018/90340**

Site visit undertaken.

**8 Site Visit - Application No: 2018/90586**

Site visit undertaken.

**9 Site Visit - Application No: 2018/90074**

Site visit undertaken.

**10 Site Visit - Application No: 2017/93886**

Site visit undertaken.

**11 Planning Application - Application No: 2017/93886**

The Committee gave consideration to Application 2017/93886 – Erection of extensions and alterations to convert existing building to student accommodation (within a conservation area) at Co-op Building, 103 New Street, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from David Storrie (applicant's agent).

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation – 3 years
- plans to be approved
- materials, including method statement and details of windows
- materials – colour, cladding panel details, method of fixing
- strategy for renovating existing building and details of all works including a phasing agreement
- details of servicing and bin storage
- details of plant
- biodiversity enhancement
- crime prevention
- occupation by students only
- construction management plan

(The Committee gave consideration to exempt information at Agenda Item 18 (Minute No 18 refers), prior to the determination of this item).

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

For: Councillors Armer, S Hall, Kane, Pattison and A Pinnock (5 votes)

Against: Councillor D Firth (1 vote)

**12 Planning Application - Application No: 2018/90586**

The Committee gave consideration to Application 2018/90586 – Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations at land to the west of Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Hannah Smith (applicant's agent).

**RESOLVED** – That the application be deferred for negotiations to take place with regards to the layout in order to enable the affordable housing units to be more dispersed within the site.

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: (no votes)



**13 Planning Application - Application No: 2018/90340**

The Committee gave consideration to Application 2018/90340 – Change of use and alterations to extend existing car park at Ashbrow School, Ash Meadow Close, Sheepridge, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received a representation from Dora Plant (Headteacher).

**RESOLVED –**

- 1) That authority be delegated to the Head of Strategic Investment to finalise negotiations on outstanding technical matters relating to the adjacent protected woodland, approve the application, issue the decision notice and complete the list of conditions including matters relating to;
  - time limit for implementation – 3 years
  - in accordance with new plans
  - new footpath to be provided prior to development being brought into use
  - area to be surfaced and drained in accordance with the details provided
  - charging points
  - aboricultural issues
  - construction management plan
- 2) That, in circumstances where outstanding protected woodland related concerns have not been addressed within three months of the date of this decision, the Head of Strategic Investment de delegated authority to consider whether planning permission should be refused on the grounds that the proposals are unacceptable on the grounds of flood risk, and if so, be 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 Armer, D Firth, S Hall, Kane, Pattison and A Pinnock  
(6 votes)

Against: (no votes)

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

The Committee gave consideration to 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 at land off Lindley Moor Road, Huddersfield.

Under the provisions of Council Procedure Rule 37, the Sub-Committee received representations from Mike Chalker (local resident), Mark Beevers (on behalf of Harron Homes), Joe Flannigan (ID Planning) and Stephen Holman (Stirling Scotfield).

**RESOLVED –** That the application be deferred in order to enable developers to secure the provision of off- site works required by condition 36 points 2 and 5 of hybrid planning permission 2014/93136 - signalisation of Lindley Moor Road/Crosland Road and management of speeds along Lindley Moor Road.

## Strategic Planning Committee - 5 April 2018

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

For: Councillors Armer, D Firth, S Hall and Kane (4 votes)

Against: Councillors A Pinnock (1 vote)

Abstained: Councillor Pattison

### 15 **Planning Application - Application No: 2018/90242**

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

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation – 3 years
- development in accordance with the approved plans
- 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
- fence to be 1.8m high and powder coated green colour details to be submitted
- tree/hedges along the boundaries of the site to be retained
- hours of operation – no activities shall be carried out on the premises, including deliveries to or dispatches from the premises, outside the times of 08:00 to 18:00 Monday to Friday, and 08:00 to 16:00 on Saturdays – No activity shall take place on Sundays or Bank Holidays
- traffic management
- storage of trees and logs only
- no cutting and processing of trees/logs on site

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: (no votes)

### 16 **Planning Application - Application No: 2018/90163**

The Committee gave consideration to Application 2018/90163 – Change of use from plant nursery with retail sales to garden centre and formation of new access at Fenay Bridge Nursery, Fenay Lane, Fenay Bridge.

**RESOLVED** – That authority be delegated to the Head of Strategic Investment to approve the application, issue the decision notice and complete the list of conditions including matters relating to;

- time limit for implementation – 3 years
- in accordance with submitted plans/specifications
- restrict the hours of operation/use
- restrict the use of garden centre and for no other purpose (including any other purpose within Class A1 of the Town and Country Planning (Use Classes) Order 1987

## Strategic Planning Committee - 5 April 2018

- restrict the ancillary retail sales areas/including café/toilets to the areas edged green on drawing no.MS1
- scheme of highway works at site across 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
- details of formal car park layout, service areas and waste storage within to be submitted and approved
- visibility splays of 2.4m x 43m in both directions along Fenay Lane to be provided
- existing access to be permanently closed and new access to be constructed in accordance with approved details
- 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)
- permeable surfacing of approved vehicle parking areas
- details/schedule of means of access to the site for construction traffic including details of the times of use of the access
- details of the treatment of all surface water flows from parking areas and hard standings
- details of a landscaping scheme
- approved landscaping scheme to be carried out in accordance with approved timescales and maintained for a period of five years from the completion of planting works

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: (no votes)

### 17 **Exclusion of the Public**

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 it involves the likely disclosure of exempt information, as defined in Part 1 of Schedule 12A of the Act.

### 18 **Planning Application - Application No: 2017/93886**

(Exempt information with Part 1 of Schedule 12A of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, namely that the report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining the exemption, which would protect the interests of the Council and the company concerned, outweighs the public interest in disclosing the information and providing greater openness in the Council's decision making.)

The Committee gave consideration to the exempt information prior to the determination of Application 2017/93886 (Minute No. 11 refers)

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<b>KIRKLEES COUNCIL</b>			
<b>DECLARATION OF INTERESTS AND LOBBYING</b>			
Strategic Planning Committee			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>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]</b>	<b>Brief description of your interest</b>

**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 27<sup>th</sup> March 2012, the Planning Practice Guidance Suite (PPGS) launched 6<sup>th</sup> 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: 10-May-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

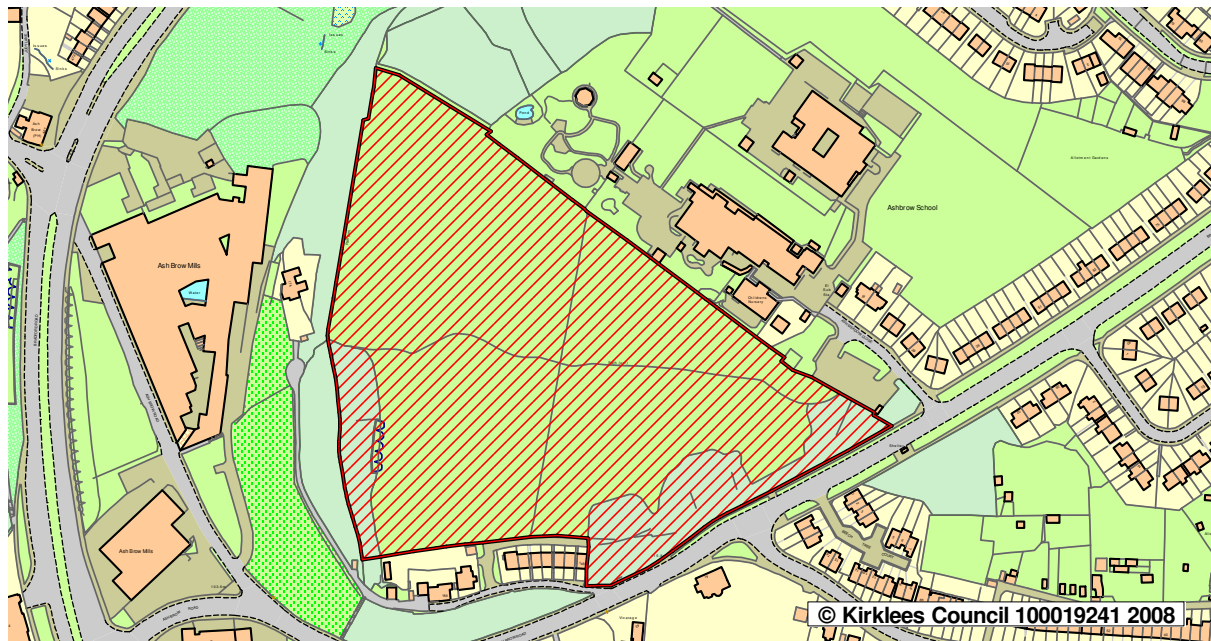
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Ashbrow 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 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. The application was deferred at the 5<sup>th</sup> April Committee meeting as committee members requested that the affordable housing units be distributed throughout the site and "pepper potted" rather than all being located together in a single cluster.

1.2 The applicant has amended the affordable housing layout by "pepper potting" the units in 5 locations across the site, laid out as follows:

- 7no units within phase 1
- 6no units within phase 2

The units would comprise:

- 7no 2 bedroom units
- 4no 3 bed units
- 2no 3 bed units split level.

1.3 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.

- 1.4 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 around the perimeter of 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 with units spread in clusters across the site.
- 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/altered landscaping.
- The applicants were requested to distribute the affordable housing throughout the site following the presentation of the application at the 5<sup>th</sup> April Strategic Planning Committee which has taken place.
- Amendments have been made to the affordable housing layout in order to spread the units more evenly across the site.

#### **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.

- 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. However, due to the proximity of protected trees (TPO'd woodland) it is not feasible to provide a route from the extra care facility to Bradley Boulevard and other options,*



*including providing a route through the adjacent school car park, are not feasible.*

- 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.*

*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 – 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.

Tree Officer – no objection.

Police Architectural Liaison Officer – 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.

Environmental Protection – no objection subject to conditions.

Yorkshire Water – no objection subject to condition.

Public Rights Of Way – 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.

Environment Agency – no comments received.

Lead Local Flood Authority – No objection. 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.

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

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."*

## **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 market housing delivered by the applicant is benchmarked on average earning and they are aimed at the local housing market. 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. Since the deferral of the application on the 5<sup>th</sup> April committee, the applicant has submitted details of the distribution of affordable units which are generally to be pepper potted across the site in small clusters within phases 1 and 2. The units would still be delivered within the first two phases of the development. This would ensure a better housing mix across the site.

#### *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 potential conflict with the application site and nearby footpaths, the applicant proposes to retain the existing footpath (HUD/382/20) which appears inconspicuous in places. There are a number of existing routes across the site which appear to be well used but they do not constitute formal footpaths. 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 proposed properties facing the footpath 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 of these boundary treatments be conditioned in order to maximise the safety of users of the footpath and maximise the safety for future occupiers.
- 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 standard of design in context, 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 30m<sup>2</sup> 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 3500m<sup>2</sup> of POS which is short of the 4088m<sup>2</sup> 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 It is clear from the above is that the site is in close proximity to public transport links and other facilities. However, as detailed in the remainder of the report the applicant considered ways of potentially improving the pedestrian accessibility of the extra care facility to encourage non-car travel modes given that it lies at a higher level. However, explored options were not considered feasible.

#### 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. The application has been assessed by the drainage officer and no objections are raised subject to the imposition of conditions to deal with final drainage calculations and flood routing.

### 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 and three 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.
- 11.2 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.
- 11.3 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.

11.4 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.

11.5 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 – 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

**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

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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 Scotfield  
(Huddersfield) LLP

#### DATE VALID

04-Jan-2018

#### TARGET DATE

05-Apr-2018

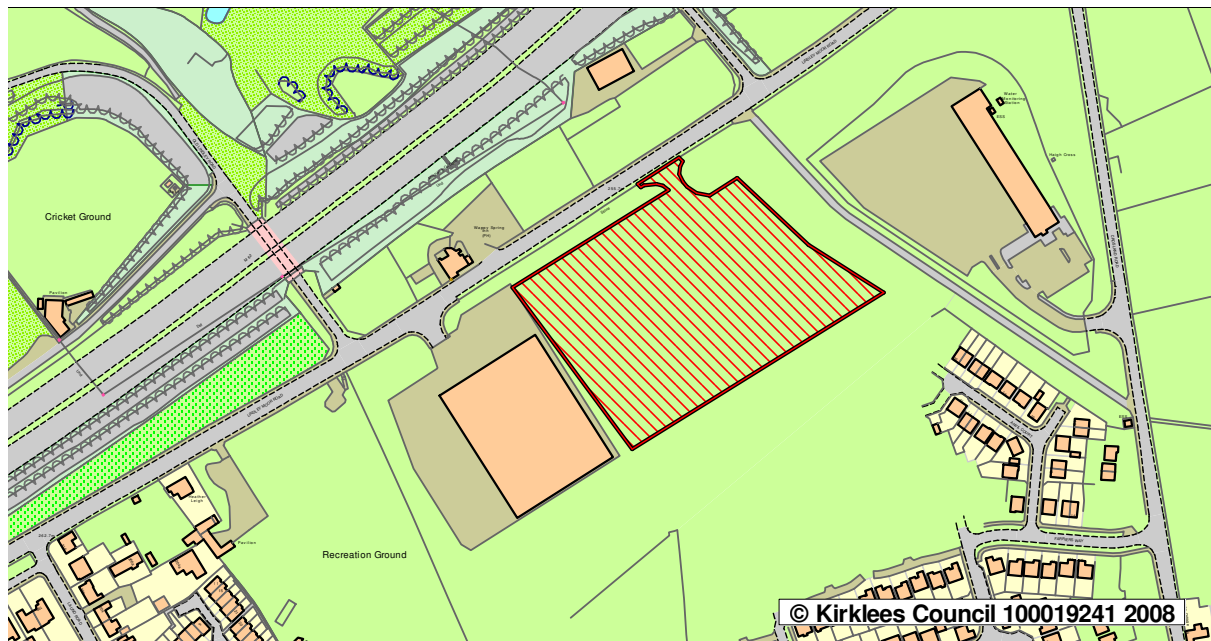
#### EXTENSION EXPIRY DATE

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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

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**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 8<sup>th</sup> March Strategic Planning committee due to cancellation of the site visits resulting from severe weather conditions. At the 5<sup>th</sup> April Strategic Planning Committee the strategic planning committee deferred the application pending the council receiving the required provisions to enable implementation of the outstanding highway infrastructure and speed management measures (as required by condition 36 on the hybrid planning permission 2014/93136).

1.2. The relevant infrastructure improvements required in condition 36 of 2014/93136, relate to part 2 and 5 of that condition ie;

- The signalisation of the Lindley Moor Road/ Crosland Road junction; and
- Management of speeds along Lindley Moor Road between Weatherhill Road, and Old Lindley Moor Road.

1.3. The means of securing these improvements is via a Section 278 Agreement with the Local Highway Authority. This mechanism ensures the necessary funding for the preparation and delivery of the schemes. The S278 Agreement has now been signed between Stirling Scotfield and Kirklees Council.



1.4 In addition the necessary funding was also deposited with the Local Highway Authority. As such the outstanding measures required by Condition 36 on the Hybrid planning consent have been resolved and their provision/ implementation funded. The ability to implement the infrastructure improvements required by condition 36 now rests in the gift of Kirklees Council. The highway works are programmed to start at the end of May 2018 with the signalisation works scheduled to start by September 2018.

1.5. In view of the above it is no longer necessary to require a planning condition on the current application requiring outstanding infrastructure works to be completed prior to any occupation of the Dealership.

## **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.

2018/91059 Non Material Amendment on previous application 2014/93136 for demolition of existing buildings, outline application for industrial development to vary the requirements of planning condition 36. Decision –Refused 19/04/18

2018/91376 Variation of Condition 36 (off site works) of PP 2014/93136 Peat Pond Farm, Lindley Moor Road. Application has been validated and is currently in the publicity period.

## **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.

**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.** At the previous Strategic Committee this application was deferred to ensure that outstanding infrastructure improvements to the Lindley Moor Road/ Crosland Road junction and speed management on Lindley Moor Road were secured and capable of being implemented. In view of the above requirements being achieved, it is no longer necessary to impose a Grampian condition on the current application for the dealership.

Other standard conditions regarding the provision of car parking and a Travel Plan and Travel Plan monitoring fee are still necessary and therefore included within the recommendation.

**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. Since the planning application was deferred from the 5<sup>th</sup> April Strategic Planning Committee part applicants, Stirling Scotfield confirmed to council officers that the required funds as set out through the S278 agreement would be deposited with the council prior to the final committee agenda is completed. Such funds have now been received and the section 278 agreement has been signed so will negate the requirement of the council to attach a condition that was recommended in the 5th April committee agenda report which duplicated the outstanding provisions required by condition 36 of the hybrid permission (2014/93136) granted in 2015.
- 10.12. The relevant infrastructure improvements required in condition 36 of 2014/93136, relate to part 2 and 5 of that condition ie;
- The signalisation of the Lindley Moor Road/ Crosland Road junction; and
  - Managements of speeds along Lindley Moor Road between Weatherhill Road, and Old Lindley Moor Road.
- 10.13. The means of securing these improvements is via a Section 278 Agreement with the Local Highway Authority. The S278 Agreement has now been signed between Stirling Scotfield and Kirklees Council.
- 10.14 In addition the necessary funding were also deposited with the Local Highway Authority. As such the outstanding measures on required by Condition 36 on the Hybrid application have been resolved and their provision/ implementation funded.
- 10.15. In view of the above, it is no longer necessary to require a planning condition on the current application requiring outstanding infrastructure works to be completed prior to any occupation of the Dealership
- 10.16 Other conditions are recommended to ensure the provision 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) and would need to 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 required 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 of 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 associated with this type of use. It is recommended 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 previously agreed. The internal vehicular arrangements are acceptable and the necessary infrastructure improvements previously required on Lindley Moor Road and at the junction of Lindley Moor Road/Crosland Road have been secured.
- 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
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: 10-May-2018

**Subject: Planning Application 2017/93804 Outline application (all matters reserved other than access) for erection of residential development (within a Conservation Area) Land at, Queens Road West, Milnsbridge, Huddersfield**

#### APPLICANT

D Mosley, DAM Ltd

#### DATE VALID

21-Nov-2017

#### TARGET DATE

20-Feb-2018

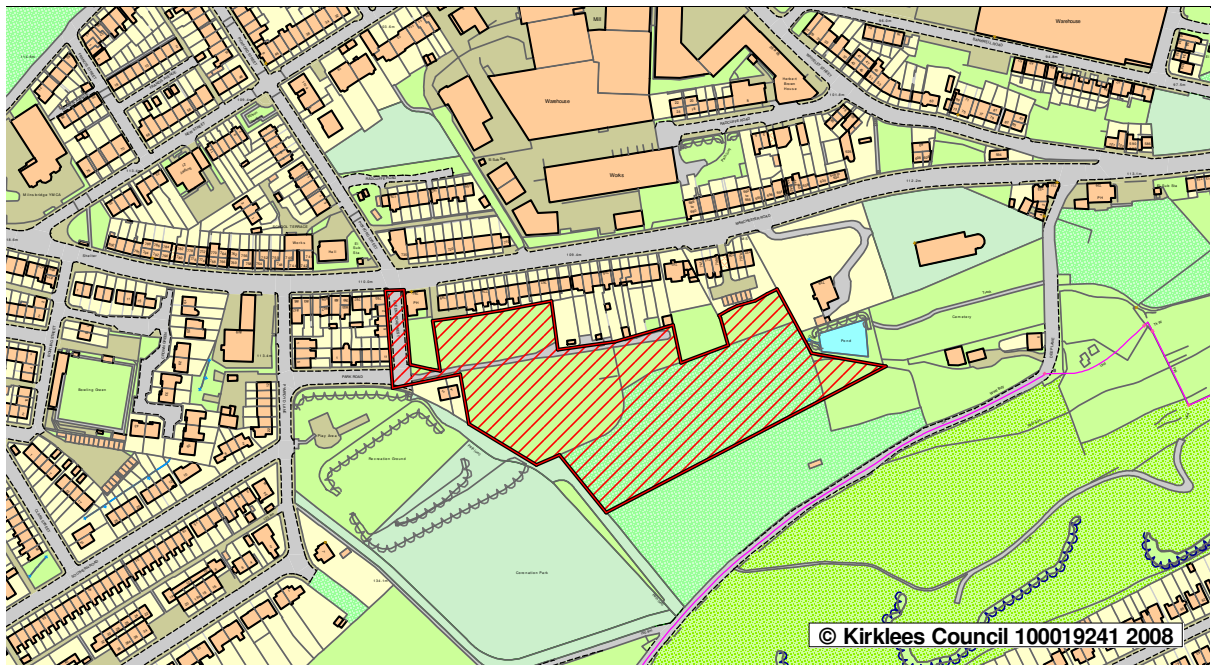
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Golcar**

Yes

Ward Members consulted

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 enable the publicity period for the amended details to expire.

## **1.0 INTRODUCTION:**

- 1.1 This is an outline planning application, with all matters reserved (other than access), for residential development.
- 1.2 The application is presented to Strategic Planning Committee as part of the site is within the green belt, therefore the proposal represents a departure from the Kirklees Unitary Development Plan.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application site is 1.69 hectares in size, has an irregular shape, and slopes downhill from south (140m AOD approx.) to north (110m AOD approx. at the site's northwest corner). The site includes the pavements and cobbled carriageway of Queens Road West.
- 2.2 No buildings exist within the site's boundaries. The site is heavily overgrown with self-seeded trees and shrubs, giving the site a ruderal character. No trees on the site are the subjects of Tree Preservation Orders (TPOs), however TPOs cover trees to the northeast and south.
- 2.3 The site is within the Milnsbridge Conservation Area, close to its southern boundary. The site abuts the curtilage of the Grade II listed former St Lukes Vicarage which stands in substantial grounds to the northeast, and beyond this is the Grade II listed former Church of St Luke. Undesignated heritage assets within and close to the site include the cobbles of Queens Road West, the stone terraced houses to the north and west of the site, dry stone walls and field patterns, and the pond directly to the east of the application site.
- 2.4 A small part of the application site is within the green belt.
- 2.5 Coronation Park exists to the southwest of the application site.
- 2.6 No public rights of way cross the application site, however the site has been used by the public, and there are well-trodden paths in some locations.

### **3.0 PROPOSAL:**

3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. Approval of matters of access to the site is also sought. All other matters (scale, layout, appearance and landscaping) are reserved.

3.2 No indicative site layout plan has been submitted, and originally no access point had been suggested by the applicant, however during the life of the application the applicant agreed to submit access details for consideration at this outline stage. The applicant has estimated that between 40 and 50 residential units (of varying sizes) could be accommodated at this site.

### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 89/02983 – Outline planning permission granted 17/07/1989 for residential development.

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

5.1 During the life of the application, details relating to highways and access matters and flood risk were submitted. An amended location plan (and red line boundary) was also submitted.

### **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 The majority of the site (all of it apart from the small part that is within the green belt) is allocated for housing in the UDP (allocated ref: H1.17).

6.3 The site is within the Milnsbridge Conservation Area.

6.4 Relevant policies are:

G6 – Land contamination  
NE5 – Wildlife corridors

NE9 – Mature trees  
BE1 – Design principles  
BE2 – Quality of design  
BE5 – Conservation areas  
BE11 – Building materials  
BE12 – Space about buildings  
BE21 – Open space accessibility  
BE22 – Accessible parking  
BE23 – Crime prevention  
EP3A – Culverting and canalisation  
EP4 – Noise sensitive development  
EP10 – Energy efficiency  
EP11 – Landscaping and ecology  
EP30 – Prolonged construction work  
T1 – Transport priorities  
T2 – Highway improvements  
T10 – Highway safety  
T14 – Pedestrian safety  
T16 – Pedestrian routes  
T17 – Cycling  
T19 – Parking standards  
H1 – Housing needs  
H6 – Housing allocations  
H10 – Affordable housing  
H12 – Affordable housing arrangements  
H18 – Open space provision  
R6 – Public open space  
R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development  
PLP2 – Place shaping  
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  
PLP33 – Trees  
PLP35 – Historic environment  
PLP48 – Community facilities and services  
PLP51 – Protection and improvement of local air quality  
PLP52 – Protection and improvement of environmental quality  
PLP63 – New open space



## Supplementary Planning Guidance / Documents:

6.6 Relevant guidance and documents are:

- 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)
- Kirklees Council Housing Allocations
- Accessibility Assessment (March 2015)
- Planning Practice Guidance
- Milnsbridge Conservation Area Character Appraisal

## National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2012) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Paragraph 17 – Core Planning Principles
- Chapter 6 – Delivering a wide choice of high quality homes
- Chapter 7 – Requiring a good design
- Chapter 8 – Promoting healthy communities
- Chapter 9 – Protecting green belt land
- 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 historic environment

6.8 Since March 2014 Planning Practice Guidance for England has been published online.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was initially advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for initial publicity was 27/12/2017.

7.2 Representations from occupants of 17 properties were received in response to the council's initial consultation. The following is a summary of the concerns raised:

- Site is inappropriate for development. Site is green space, not brownfield land. Harm to green belt.
- Impacts upon wildlife (including protected species) and Wildlife Habitat Network.
- Loss of trees.
- Loss of playspace and dog-walking area.
- Loss of cobbles from Queens Road West.
- Queried ability of local sewers to cope with additional connections.

- Queried affordability of dwellings, and who occupants would be.
- Highways safety concerns (construction stage and following completion of development).
- Obstruction of access to adjacent property.
- Impacts upon schools, doctors and other local services.
- Loss of light to neighbouring properties.
- Loss of privacy.
- Light pollution.
- Noise pollution.
- Increased flood risk.
- Increased pollution, harm to mental health and well-being.
- Inaccurate boundary lines on drawings.
- Lack of public consultation.

7.3 Responses to these comments are set out later in this report.

7.4 Following the submission of an amended location plan and other information, a 21-day reconsultation exercise was commenced. This reconsultation period ends on 15/05/2018, after the date of the Strategic Planning Committee. To date, representations from the occupants of three properties (one from a resident who had previously commented, two from residents who hadn't) have been received. The following is a summary of the concerns raised:

- Lack of information regarding access onto the site at the top of Queens Road West.
- Increased traffic on Manchester Road.
- Increased flood risk.
- Impact upon conservation area.
- Impacts upon wildlife.

7.5 Further comments received in response to this reconsultation will be reported in the committee update and verbally at the committee meeting. Should any comments be received after the meeting of the Strategic Planning Committee on 10/05/2018, it is recommended that delegated authority be granted to officers to consider these further comments, and to ascertain if new material considerations have been raised.

## 8.0 CONSULTATION RESPONSES:

### 8.1 Statutory:

KC Highways – Carriageway and footway widths into the application site are as per the minimum required for an estate road, and the visibility splays from Queens Road West onto Manchester Road are adequate given the results of the independent speed surveys and the proposed redesign of the junction. Applicant's proposals and Stage 1 safety audit iron out all issues previously raised from a highway safety perspective. 9.5m wide highway required for the access road outside 2 Park Road.

KC Strategic Drainage – Very limited information regarding drainage planning or design has been provided, therefore the proposal cannot be fully assessed or approved. Full consideration should be given to flood risk to or from the site. Drainage strategy required. Drainage proposals should use vegetated surface water attenuation to provide water quality improvements alongside their

drainage function. Any hardstandings should be permeable surfaces. Rainwater harvesting should be explored.

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. A water main and a public combined sewer cross the site.

## 8.2 **Non-statutory:**

KC Trees – No reason why general principle of outline permission, with no numbers specified, shouldn't be supported. However, red line boundary extends outside of the housing allocation into a wildlife corridor – agreement of principle of development should be restricted to the area of land designated for housing.

KC Education – No education contribution required.

KC Environmental Health – Recommend conditions regarding site contamination. Development may be subjected to noise from road traffic on Manchester Road, and noise from The Queen PH, therefore condition regarding noise recommended. Conditions regarding vehicle charging points and a Travel Plan recommended in relation to air quality. Construction noise should be limited to specified hours.

Police Architectural Liaison Officer – No comments adverse to the approval of outline planning permission. Detailed advice provided for reserved matters stage.

KC Strategic Housing – Within Kirklees Rural (West) there is a significant need for affordable 1- and 2-bedroom units, as well as a need for affordable 1- and 2-bedroom housing specifically for older people. Kirklees Rural (West) is a popular location, with 15% of households planning to move home within Kirklees within the next 5 years citing it as their first choice destination. Kirklees's interim affordable housing policy seeks 20% affordable housing provision on sites where 11 units or more are proposed. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be acceptable where appropriate. Borough-wide, a split of 54% Affordable Rent / 46% Intermediate is appropriate within affordable housing provisions.

KC Ecology – No objection, subject to conditions. Despite the presence of important habitats, it is possible to develop the site for residential use while avoiding significant ecological impacts. Details of how this would be achieved would be required as part of a future reserved matters application. Further survey required to determine the presence or absence of reptiles. Conditions recommended regarding ecological impact and design strategy, and a landscape and ecological management plan.

KC Public Rights of Way – Although no recorded rights of way run through the site, it is crossed by lines of tread running across the site and to different points along Deep Lane. The applicant should be aware that public rights may subsist over these routes. Queens Road West is also the access to an additional path to Deep Lane adjacent to the site. As no detailed proposals for the site have been submitted, this matter would have to be considered at reserved matters stage. The red line boundary includes the access from Queens Road West,

however this does not appear to be adopted and Land Registry information does not show this access within the relevant title.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design and conservation issues
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is not brownfield land, however the majority of the site was allocated for housing in the UDP in 1999 (site reference: H1.17), and the allocation was retained (saved) by the Secretary of State for Communities and Local Government in 2007. The allocation has been carried through to the draft Local Plan (site reference: H199). Historic England have objected to this allocation due to the lack of an evaluation of the application site's contribution to the special architectural or historic interest or setting of the Grade II listed former Church of St Luke and its vicarage. However, officers are currently working with Historic England to resolve these outstanding concerns. Furthermore, residential development could be carried out at this site with new buildings positioned well away from the listed buildings, and allocation for residential development would not obviate the need for the council (at outline and reserved matters stage) to have special regard to the desirability of preserving the setting of listed buildings when determining this and future applications. It is therefore considered that full weight can be given to the longstanding UDP allocation, and significant weight can be given to the allocation in the emerging Local Plan.

Although no indicative details have been submitted with the current application, it is considered that much of the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to the green belt, highways safety, gradients, drainage, heritage assets, open space, neighbour amenity, water and sewer infrastructure, and other planning considerations considered later in this report) can't be satisfactorily addressed at detailed (reserved matters) application stage. Having regard to paragraph 14 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.

- 10.2 It is noted, however, that the indicative quantum of development (40 to 50 units) suggested by the applicant would not be approved under this application. The site's constraints and opportunities would determine what number of units

would be possible at detailed (reserved matters) stage, and this number may be different to the suggested 40 to 50.

- 10.3 Of note, new buildings and the creation of domestic gardens on the part of the site that falls within the green belt would be contrary to the NPPF and emerging Local Plan policy PLP58.

#### Urban design and conservation issues

- 10.4 There is a requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that “special regard” should be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 10.5 The nearby Grade II listed former Church of St Luke is noted by Historic England for its commanding position, being elevated above Manchester Road and set in substantial grounds. The Grade II listed former vicarage is similarly elevated. Clearly, the location, elevation and setting of these listed buildings contribute to their interest, and development that intruded into this setting could potentially be harmful to their significance.
- 10.6 The application site, however, is large, and it is considered that residential development could be carried out at this site with new buildings positioned well away from the listed buildings. New buildings may need to be positioned further away from the former vicarage than the relatively recent development at 737 Manchester Road, due to the area’s topography and the relationship between the former vicarage’s curtilage and the application site. Any development would need to be carefully designed to ensure these nearby heritage assets are not crowded, and their settings are not harmed.
- 10.7 Section 72 of the Act places a duty on the council to also pay special attention to the desirability of preserving or enhancing the character and appearance of the Milnsbridge Conservation Area when determining this application.
- 10.8 The relevant Conservation Area character appraisal defines Milnsbridge as a valley floor settlement tightly defined by the A62 Manchester Road. It identifies Deep Lane as a natural boundary to the conservation area, and notes that the undeveloped land off Deep Lane provides a dramatic frame for the settlement and is important to the character of Milnsbridge. Important vistas northwards from Deep Lane are also noted.
- 10.9 Although a major urban extension southwards up the hillside towards Deep Lane could undermine the character and definition of Milnsbridge as a valley floor settlement tightly defined by Manchester Road, it is noted that existing development at to the west (at Avison Road) already extends further away from Manchester Road, that the application site does not extend up the hillside as far as Deep Lane, that the southern parts of the application site would not be developable as they are within the green belt (and the site’s topography may further limit what can be built up the hillside), and a substantial green space would be maintained either side of Deep Lane between Milnsbridge and Crosland Moor. It is therefore considered that the positive and defining characteristics of the Milnsbridge Conservation Area, and views and appreciation of it, would not be adversely affected by a sensitively-designed residential development at the application site. Layout, materials and other aspects of design, as well as landscaping, will need to be carefully considered

at reserved matters stage, to ensure the more detailed aspects of a residential development similarly do not harm the character and appearance of the conservation area.

- 10.10 The application site is likely to be visible from public vantagepoints (and is certainly visible from private properties) on the opposite side of the Colne Valley, and the visibility of the site has been taken into account in the above assessments.
- 10.11 Conservation matters would be given the necessary further consideration at detailed (reserved matters) stage, however given the above assessments there are considered to be no reasons to withhold outline planning permission on conservation grounds.
- 10.12 The cobbles of Queens Road West are an undesignated heritage asset. The applicant has not suggested that these would be removed.
- 10.13 Conservation considerations aside, as no indicative layout or other details have been submitted by the applicant, no further consideration is necessary at this outline stage in relation to townscape, landscaping and other design matters.

#### Residential amenity

- 10.14 The principal of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.15 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.16 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise or incompatible with existing surrounding uses. The number of vehicle movements along Queens Road West and outside 2 and 4 Park Road would increase, but not to levels unusual for a street of this size and character.

#### Highway issues

- 10.17 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 32 of the NPPF states that decisions on planning applications should take account of opportunities for sustainable transport modes, and the safety of site access.
- 10.18 The application site includes the pavements and sett-paved carriageway of Queens Road West, and no other highways abut the application site. Queens

Road West is an adopted highway with an appreciable gradient, and footways are provided on both sides. Visibility onto Manchester Road is currently below required standards. At present, Queens Road West is only required to serve a small number of properties, and these demands would change as a consequence of development on the proposed site.

- 10.19 Highways Development Management officers initially expressed concern over the adequacy of the Queens Road West / Manchester Road junction for a major residential development accessed via it. The applicant's initial submission provided insufficient information to allow a proper highway assessment, and the applicant was therefore asked to provide an independent Stage 1 Safety Audit, a Transport Assessment (prepared in accordance with guidance in the Planning Practice Guidance suite, and including details of proposed traffic generation, Picady assessment of the junction with Manchester Road, access to the site by various travel modes, accident analysis, and site access design allowing for an 11.85m long service vehicle), vehicle speed surveys on Manchester Road to allow calculations for the minimum permissible visibility splays from Queens Road West, and assurance that the necessary access dimensions are achievable within the red line boundary (officers asked for the red line boundary to be extended to cover the full extents of Queens Road West). Potential pedestrian conflict with the access to the adjacent park was also raised as a concern.
- 10.20 During the life of the application, the applicant submitted the requested highways and access information, amended the red line boundary, and agreed that matters of access are to be considered under this outline application, and not reserved.
- 10.21 The applicant proposes built-outs at the Queens Road West / Manchester Road junction. Having regard to the results of the independent speed surveys, and to traffic volumes and gradients, the proposed visibility splays at this junction are considered adequate. The findings of the applicant's Stage 1 safety audit are accepted. The build-outs can be provided without causing a significant loss of on-street parking spaces on Manchester Road, and without interfering with the existing bus stop located to the east of the junction.
- 10.22 The applicant's Transport Assessment considers impacts upon the local highway network, based on a proposed development of up to 50 units. This predicts a total of 37 additional vehicle movements in the a.m. peak (eight arrivals, 29 departures), 39 in the p.m. peak (18 arrivals, 21 departures), and 352 throughout the day. Although significant volumes of traffic already make use of Manchester Road, these predicted additional vehicle movements are not expected to cause significant adverse impacts in terms of congestion on the local highway network.
- 10.23 Carriageway and footway widths into the application site are as per the minimum required for an estate road, and a 9.5m wide highway (including carriageway and footways) can be provided outside 2 and 4 Park Road. The applicant's swept path diagrams indicate that an 11.85m long refuse vehicle would be able to enter and exit the site.
- 10.24 No indicative layout for the proposed development has been submitted, therefore officers cannot at this stage comment on the roads required or proposed within the site, however it is noted that the topography of the site is likely to necessitate significant retaining walls and structures, and that

maximum highway gradients would need to be adhered to during the layout design process. The expected minimum width of the proposed estate road would be 5.5m with 2m footways on either side. Such details would be considered further at reserved matters stage, should outline planning permission be granted. Later, detailed consideration of highways matters would determine what number of units this site could accommodate, and this number may be different to the suggested 40 to 50, however in relation to the Queens Road West / Manchester Road junction at least, it is considered that a major residential development of this suggested size can be accommodated.

- 10.25 No recorded or claimed rights of way run through the application site, however it is crossed by lines of tread running to different points along Deep Lane, and public rights may subsist over these routes. This possibility is, however, not a reason to withhold outline planning permission.

#### Drainage issues

- 10.26 The site is within Flood Zone 1, and is over 1 hectare in size, therefore a site-specific Flood Risk Assessment would be required at reserved matters stage.
- 10.27 At outline stage, given that details of the number of units (other than an indicative number), and their locations in relation to water courses and potential sources of flood risk, have not been submitted, it is not considered necessary for the applicant to provide detailed drainage information.
- 10.28 At reserved matters stage, the applicant would need to address concerns of neighbouring residents regarding the potential impact of the proposed development upon adjacent land and buildings in relation to surface water and flooding.
- 10.29 Yorkshire Water have reported that a water main and a public combined sewer cross the site. This infrastructure may need to be accommodated in the layout of development at this site (Yorkshire Water have recommended conditions in relation to this), however it is not considered to be a constraint on the principle of residential development at this site.

#### Ecological considerations

- 10.30 The application site is not subject to any adopted designations or allocations in relation to ecology, however much of the site is within the proposed Wildlife Habitat Network as set out in the emerging Local Plan. This network connects designated sites of biodiversity and geological importance and notable habitat links, and any development within or close to the network will need to support and enhance these links.
- 10.31 Development at this application site has the potential to impact upon the network, including through the construction of new buildings, road surfaces, and retaining structures that may be needed to accommodate development on this sloping site.
- 10.32 A Preliminary Ecological Appraisal has been submitted to support the proposal. The report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have



been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 11 of the NPPF.

### Trees

- 10.33 No Tree Preservation Orders cover the application site, however trees within the site are afforded protection by the site's conservation area designation. UDP policy NE9 states that mature trees should normally be retained, while policy PLP33 in the emerging Local Plan states that the council will not grant planning permission for development which directly or indirectly threaten trees or woodlands of significant amenity value, and that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network. Comments received by the council from local residents would suggest the application site's trees are indeed valued locally.
- 10.34 Although residential development at the application site is likely to impact upon trees (given the number and density of trees on site), as no proposed layout plan or number of residential units has been formally proposed at this outline stage, the impact of the proposed development cannot be assessed in relation to trees. It is therefore recommended that tree matters be considered at reserved matters stage. Should outline permission be granted, however, the applicant will need to be aware that – notwithstanding the outline approval – development at this site may prove to be constrained by the site's trees. An approval of outline permission would not undermine the need for proper consideration of impacts upon trees at reserved matters stage. It is, however, noted that the site's trees and shrubs appear to be self-seeded, many are young and/or of a poor quality, and the site has a ruderal character. Furthermore, it is again noted that residential development at this site would be possible without causing significant ecological impacts.
- 10.35 At this stage there are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.

### Representations

- 10.36 To date, representations have been received from the occupants of 19 properties. Below are the issues which have been raised which have not been addressed earlier in this report, and the case officer's response.
- Loss of playspace and dog-walking area – Although the site has clearly been used by local residents on an informal basis, it is not designated or protected open space, and has no recorded rights of way running across it.
  - Queried ability of local sewers to cope with additional connections – No objection has been raised by Yorkshire Water, although conditions relating to drainage infrastructure have been recommended.
  - Queried affordability of dwellings, and who occupants would be – The development's affordable housing provision would be determined at reserved matters stage, and the identity of the occupants is not a material planning consideration.

- Obstruction of access to adjacent property – This is a private matter to be resolved between the developer and adjacent owner.
- Impacts upon schools, doctors and other local services – No contribution towards education facilities is required. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- Increased pollution, harm to mental health and well-being – Depending upon the size of the development (number of units), a Health Impact Assessment may be required at reserved matters stage.
- Inaccurate boundary lines on drawings – The boundary lines in the applicant's supporting document are not legally definitive and do not determine land ownership. A correction to the applicant's red line boundary has been made during the life of the application in relation to land to the rear of 737 to 741a Manchester Road.

#### Planning obligations

- 10.37 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.
- 10.38 Under policy H18 of the UDP sites of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 1.69 hectares. A condition can be imposed requiring the provision of public open space.
- 10.39 The council's Education department were consulted and commented that a contribution was not required. Following further design work, however, the unit number proposed at reserved matters stage may trigger the need for a contribution, and an appropriate condition is recommended.

#### Other matters

- 10.40 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.41 The proposed development is likely to involve the removal of trees and would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed

to encourage the use of sustainable and low-emission modes of transport, would be required at reserved matters stage.

- 10.42 Crime prevention would be a relevant consideration at reserved matters stage, not least given that the site (and, presumably, the curtilage of some of the new dwellings) would abut woodland areas. These matters are not, however, reasons to withhold outline planning permission.

## **11.0 CONCLUSION**

- 11.1 The majority of the site is allocated for housing in both the UDP (saved policies) and the emerging Local Plan. The principle of residential development at this site is therefore considered acceptable. A small part of the site is within the green belt, which means the proposal represents a departure, however it is considered that the larger part of the site can be developed without encroaching onto green belt land.

- 11.2 The site is constrained by the Milnsbridge Conservation Area designation, tree and ecological considerations, existing residential properties and listed buildings nearby, drainage, topography, and water and sewer infrastructure. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.

- 11.3 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.

- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 14 of the NPPF) 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. Standard OL cond (submission of reserved matters)
2. Standard OL cond (implementation of reserved matters)
3. Standard OL cond (reserved matters submission time limit)
4. Standard OL cond (reserved matters implementation time limit)
5. Highways
6. Ecology
7. Drainage
8. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
9. Public Open Space
10. Education
11. Noise Report
12. Contamination Reports
13. Yorkshire Water conditions

## **Background Papers:**

Application and history files.

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f93804>

Certificate of Ownership – Certificate A signed

## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 10-May-2018

**Subject: Planning Application 2017/94366 Change of use of land for bushcraft activities Land Adjacent Lock 38, off Marsden Lane, Marsden, Huddersfield, HD7 6AF**

#### APPLICANT

Steve Mitchell

#### DATE VALID

22-Dec-2017

#### TARGET DATE

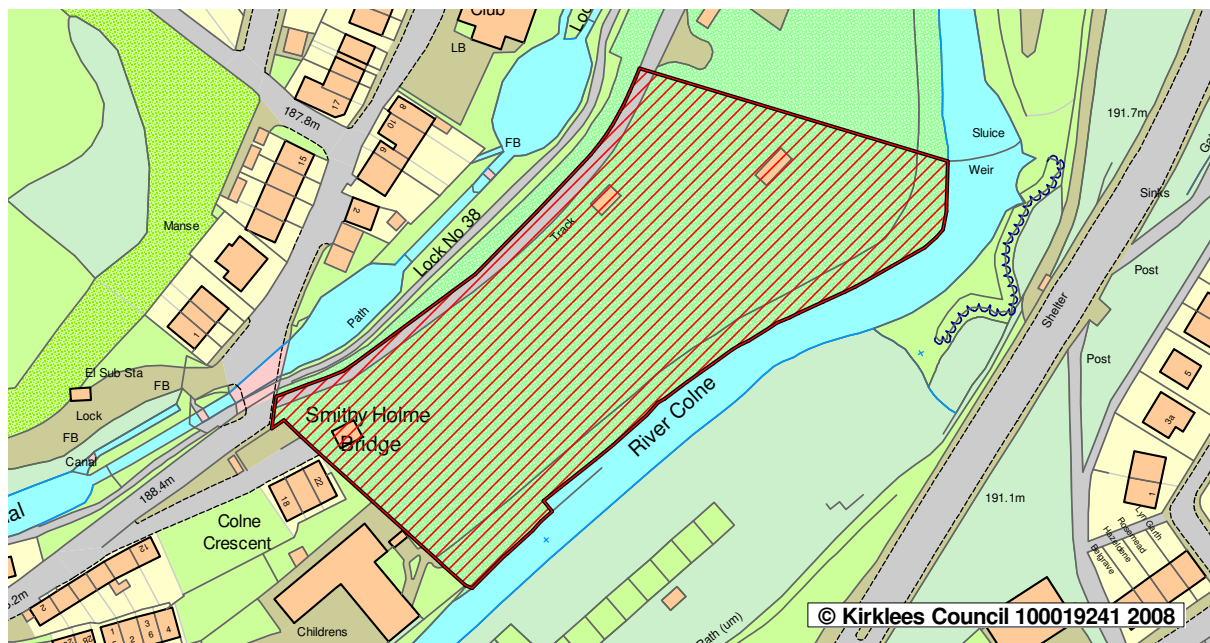
16-Feb-2018

#### 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:** Colne Valley

No

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**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 due to the site area exceeding 0.5 hectares in size and the proposal being of a non-residential development.

**2.0 SITE AND SURROUNDINGS:**

2.1 The application site relates to a 0.9 hectare piece of land within the Green Belt located between the River Colne and the Huddersfield Narrow Canal in Marsden. The site is covered by mature trees and vegetation with a vehicular access track leading from Marsden Lane through part of the site to a Canal and Rivers Trust Depot to the north of the site. The canal is located to the north with its associated tow path abutting the site and locks 37 and 38 adjacent the site. The rear of residential properties off Marsden Lane look over the site, with 3 further residential properties located adjacent in the south western corner of the site. Further to the south of the site on the opposite side of the River Colne is a further area of trees with the A62 further beyond.

**3.0 PROPOSAL:**

3.1 The application seeks planning permission to change the use of 0.9 hectares of land to form a buschcraft activities area. The proposal also includes the laying of an area of hardcore for parking to the north east of the site. The applicant has stated that the aim of the change of use is to make the site an area *“where people of all ages and abilities can learn about the natural environment, in a fun, engaging, but most importantly, safe manner, for all people involved – including those in the surrounding area.”*

3.2 The applicant has stated that the site will operate in the day, evenings and at weekends with sessions varying from 2 hours, half day or full day, with a mix of school children, families and adults using the facility. The use would operate between the hours of 7am to 9pm and be typically used by groups of between 15-20 people, with larger school groups up to 30.

3.3 Access would be taken from the existing access track which leads from Marsden Lane at the point where it crosses the canal via a bridge. Three

passing places would be formed adjacent the track to allow easy use of the track.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

4.1 No Planning history for the site

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

5.1 Further information was sought by Planning Officers in relation to the operation of the site in order to understand the activities which would take place on the site and how these would impact on amenity, highway safety and ecology.

#### **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:**

- **D10** – Outdoor sport and recreation in the Green Belt
- **BE1** – Design principles
- **BE2** – Quality of design
- **T10** – Highway safety
- **T19** – Parking standards
- **NE9** – Protection of mature trees
- **EP6** – Development and noise
- **R1** – Recreation facilities
- **R18** – Development adjacent to canals and rivers

#### **6.3 Kirklees Publication Draft Local Plan**

- **PLP1** - Presumption in favour of sustainable development
- **PLP2** - Place shaping
- **PLP21** – Highway safety and access
- **PLP22** – Parking
- **PLP23** – Core walking and cycling network
- **PLP24** – Design

- **PLP27** - Flood risk
- **PLP30** - Biodiversity
- **PLP33** – Trees
- **PLP34** - Conserving and enhancing the water environment
- **PLP47** - Healthy, active and safe lifestyles
- **PLP52** - Protection and improvement of environmental quality
- **PLP56** - Facilities for outdoor sport, outdoor recreation and cemeteries

Core Walking and Cycling Network ID 85

#### 6.4 National Planning Guidance:

- **Chapter 4** – Promoting sustainable travel
- **Chapter 7** – Requiring good design
- **Chapter 8** – Promoting health communities
- **Chapter 9** – Protecting Green Belt land
- **Chapter 10** – Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11** – Conserving and enhancing the natural environment

#### 7.0 **PUBLIC/LOCAL RESPONSE:**

7.1 Publicity closed on the application on 15 February 2018, in total 9 representations have been received including comments by local MP Thelma Walker. A summary of the points raised are set out below:

##### *Highway Safety*

- Access to the site is via the junction of Warehouse Hill and Marsden Lane where visibility is limited in both directions and where there are a number of vehicles parked on street, the use of this access for the proposed development would be detrimental to highway safety.
- Currently there are rarely more than 4 vehicle movements per day on the access track, and the application proposes 12 parking spaces to serve the development but no details are provided in relation to the activities and how frequent these would be. It is considered that there would be a big increase, therefore will the existing access track be improved to account for additional movements?
- The access track is a rough path used by walkers (for at least 30 years), cyclists and serves the Canal and Rivers Trust Depot, increase volumes of traffic would compromise its use. The track connects different parts of Marsden with the village centre allowing sustainable travel and this route is used by a substantial number of people. Will the track still be able to be used by walkers? Will its use for the proposal endanger users more?

##### *Ecology*

- The proposal would have an adverse impact on local ecology as the site is rich in bat, bird and other wildlife. The site is home to a variety of wildlife which includes, heron, woodcock, sparrow hawk, kingfishers, tree creeper and many others.
- There are no details of how the proposal would provide an environmental enhancement to the site or how the existing situation is maintained. This should be required and or monitoring of the site should be required.



### *Principle*

- The site is designated as Green Belt can it be assured that there is no further development allowed in the future?

### *Amenity*

- The application provides little detail regarding the expected volume or frequency of activities on the site, therefore more information should be submitted.
- The use of the site would lead to disruption to local amenity from noise, smoke from fires and the associated activities including residential properties and a local children nurse.

### *Other*

- Given that the access to the wider site is unrestricted would it be safe to be used by children and young adults. No details regarding health and safety controls have been provided either.
- There are currently no buildings on the site and there are concerns that structures would be required to serve the development as there are no toilet, shelter or reception facilities for the proposed development. Any such structures would erode the undeveloped nature of the site.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

- **Canal and Rivers Trust** – no objection
- **The Environment Agency** – no objection
- **KC Highways** – no objection

### **8.2 Non-statutory:**

- **KC Environmental Services** – comments made
- **KC Ecology** – no objection
- **KC Arboricultural Officer** – no objection
- **West Yorkshire Policy Architectural Liaison Officer (PALO)** – no objection

## **9.0 MAIN ISSUES**

- Principle of development
- Green Belt
- Impact on the Huddersfield Narrow Canal
- Residential Amenity
- Highway Issues
- Ecology
- Other Matters
- Representations

## 10.0 APPRAISAL

### Principle of development

- 10.1 The site is located within the Green Belt and adjacent to the Huddersfield Narrow Canal and River Colne. The impact of the proposal on the Green Belt and canal therefore need to be assessed along with highway safety, amenity, ecology and all other material planning considerations and representations received.

### Green Belt

- 10.2 The principle of developing a site in the Green Belt site needs to be assessed against a proposal's impact on the openness of the Green Belt, and in relation to Policy D10 of the UDP, Policies set out in Chapter 9 of the NPPF and Policy PLP56 of the PDLP.
- 10.3 Chapter 9 of the NPPF advises that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and sets out the five purposes of Green Belt. Paragraph 87 sets out that inappropriate development should not be approved except in very special circumstances, and paragraph 88 details that 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 10.4 The application seeks for formation of a recreation use of the land for 'buschcraft activities' and the formation of an area for car parking. Policy D10 of the UDP and Policy PLP56 of the PDLP advises that such applications need to be considered in relation to the scale and sitting of ancillary buildings, access roads and parking which should not exceed which is essential for the recreational activities proposed. The effect of the proposal on landscape, trees or woodland, wildlife and the enjoyment of any public right of way or access land, and the level of traffic, noise and other disturbance which may be generated. Paragraph 89 of the NPPF advises that the provision of appropriate facilities for outdoor recreation can form an exception to inappropriate development provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt, the most relevant of which is preventing encroachment into the countryside.
- 10.6 Given the above, the principle of forming a recreational use within the Green Belt can be considered to be acceptable subject to an assessment of the listed criteria. It is noted that in terms of built form at the site no structures are proposed with the applicant confirming that only temporary shelters will be erected on the site as part of the bushcraft activities and a portable toilet will be provided on the site.
- 10.7 An area of hardcore would be formed to allow for the parking of vehicles and some bushcraft activities when the natural ground is too wet/boggy. It is noted that the area of hardcore is large at approximately 0.1 hectares and there would be some impact on views of the site and the wider landscape context. However the remainder of the site would be left untouched and natural and it is acknowledged that an area of firm surface would be required to operate key components of the business from. Whilst it is considered that the hardcore area would impact on the openness of the Green Belt to a degree and the wider landscape context, this impact is on balance considered to be acceptable given

that it would provide important functional space to allow the wider operation of the proposed use and given that no permanent buildings would be formed at the site. Matters in regard to ecology, amenity, highway safety will be considered in more detail below, but in summary the impact of the proposal on these matters is considered to be acceptable.

- 10.8 In terms of landscape impact it is considered that given no permanent buildings would be erected on the site the impact of the development would on balance be acceptable. Whilst the proposal would lead to a change of use of land in the Green Belt this is not considered to have a significantly detrimental impact on the purposes of including the land within the Green Belt. The use of the site for bushcraft activities would work with the natural environment provided at the site and would have the wider benefit of engaging children and adults with the natural environment.
- 10.9 It is noted that the application also includes the formation of passing places along the access track to improve its operation. Such works are considered to form engineering operations which can be acceptable in the Green Belt under paragraph 90 of the NPPF, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. It is considered that the passing spaces are minimal in terms of their scale but would provide the necessary improvements to the track to allow it to operate efficiently for the proposed use and the existing Canal and Rivers Trust Depot. In terms of the purposes of including the land within the Green Belt the most relevant of which is encroachment into the countryside, the proposed passing places would be read in association with the existing access track and are not considered to lead to a detrimental encroachment into the countryside.
- 10.10 In conclusion for the reasons set out above the proposal is considered to form an acceptable development within the Green Belt and would accord with Policy D10 of the UDP, Policy PLP56 of the draft Local Plan and Policies in Chapter 9 of the NPPF.

#### Impact on the Huddersfield Narrow Canal

- 10.11 The site is located adjacent to the Huddersfield Narrow Canal. The application has been assessed by the Canal and Rivers Trust who also have a depot located to the east of the site at the end of the access track. Given the sites location adjacent the canal, the application has been assessed in relation to Policy R18 of the UDP and Policy PLP32 of the PDLP.
- 10.12 Policy R18 advises that for sites adjacent to canal and rivers that new developments should take account of the character of the waterside environment, the existing and proposed recreational use of the canal and river, the ecological and heritage value of the site, and opportunities to improve public access to the canal or river side, including people with disabilities. The applicant has detailed that it is their aim that the proposed bushcraft facility will be used by all members of society including children, adults and those people with disabilities with improved access to the natural environment and wider countryside. The site would remain open when not in use, but the vehicular access would be secured by the exiting gate. The applicant has set out that use of the site would seek to work with the natural environment by teaching people skills on how to hunt, track, find shelter, navigate, light fires, which they consider as a whole will improve problem solving skills of their customers. In light of the above it is considered that the proposal would meet the requirements of Policy

R18 and PLP32 and improve access to the canal and the wider local environment.

- 10.13 The Canal and Rivers Trust raise no objection to the proposal, but seek conditions regarding the provision of passing places along the access track prior to the use commencing and the control of the invasive species of Himalayan Balsam which is present on the site. These requirements will be assessed further in the highway and ecology sections of this report but are considered to be appropriate requests and can be secured by condition. The Canal and Rivers Trust have also asked that a note be attached to any decision as land owner of the access track, this request is considered to be acceptable.

#### Residential Amenity

- 10.14 The impact of the development on residential amenity has been assessed against Policy EP6 of the UDP, Policy PLP52 of the draft Local Plan and Policies in Chapter 11 of the NPPF. The application has also been assessed by Environmental Services, who have raised concerns regarding the potential impact of the development on local amenity of local residents and a nearby children's nursery. Environmental Services therefore recommended that further information is provided.
- 10.15 The applicant has provided a further statement seeking to address these concerns which have set out details in relation to hours of use and fire lighting. In terms of hours of operation it has been agreed with the applicant to restrict these to 7 am to 9 pm via condition, though hours less than this will operate depending on the time of year as the site would only operate in day light hours with sessions lasting either 2 hours, half a day or full day sessions.
- 10.16 With regard to fire lighting, the applicant has set out that they will position fires on the eastern part of the site away from nearby residential properties and the adjacent children's nursery, and use only natural materials such as wood to minimise smoke when fires are lit. The applicant has advised that fires will only be small in scale and will be put out with sand and water. The applicant has highlighted that a local children's nursery is located to the west of the site and they have advised that they will work with the nursery in order to minimise any impact considering times when children are outside.
- 10.17 The above comments have been reviewed by Environmental Services who have accepted the points raised, but have sought a temporary 1 year permission for the development to be able to assess any complaints which may arise from the development. Planning Officers have considered the comments and the request of Environmental Services and it is considered that the proposed development would have a relatively low impact on the amenity of surrounding properties and the children's nursery. The site is large and the number of visitors can be restricted with the applicant agreeing to a restriction of 30 people. Such a number of people are considered to be relatively low given the size of the site at 0.9 hectares and could be accommodated without causing disturbance to adjacent residents by reason of noise or other disturbance. Whilst it is noted that the lighting of fires could cause some disturbance it is acknowledged that they will be small in scale and the applicant has set out techniques in order to reduce any impact. It is not considered reasonable to restrict the proposed development to a temporary permission given above and given the investment required to form the hardcore area and the improvements to the access track. However,

to ensure that the development operates in accordance with this statement it will be conditioned along with the number of visitors and hours of use.

- 10.18 Subject to the above condition the proposal is considered to have an acceptable impact on local amenity and would accord with Policy EP6 of the UDP, Policy PLP52 of the draft Local Plan and Policies in Chapter 11 of the NPPF.

#### Highway issues

- 10.19 The proposals impact on highway safety needs to be considered in relation to Policy T10 and T19 of the UDP and Policies PLP21 and 22 of the PDLP. The application has also been assessed by the Councils Highways Officer who raises no objection subject to conditions.
- 10.20 Access to the site would be at the junction of Warehouse Hill Road and Marsden Lane to the west of the site and would utilise an existing track which serves a Canal and Rivers Trust Depot. The submitted plans detail that three passing places would be formed on the track to improve access arrangements and the track will be surveyed and repaired to remove any undulation. An existing gate would be retained across the access for security reasons and 12 parking spaces would be provided in the hardcore area formed as part of this application.
- 10.21 The applicant has set out that the facility will be used by a range of adults and children with typical group sizes of 15 to 20 people with school groups of up to 30. Sessions would operate on 2 hour, half day or full day sessions, with a maximum of three 2 hour sessions anticipated on any given day. The applicant has also stated that a one hour gap would be provided between sessions.
- 10.22 When school groups visit these will either be by walking from local schools, or by parking in the National Trust Old Goods Yard and walking down the canal. However most activities would take place after school time and at a weekend. Officers note that the use of the National Trust Old Goods Yard cannot be conditioned as this falls outside of the red line boundary and therefore outside the control of the applicant, however dropping off larger groups and allowing them to walk into the site via the canal is considered to be an appropriate approach in highway safety terms.
- 10.23 The applicant anticipates that groups would visit the site via public transport or by car sharing with a typical group of 20 coming in approximately 10 cars if driving. In terms of anticipated vehicle movements these are considered to be relatively low with a maximum of 30 two way movements anticipated on any given day if three 2 hour sessions were to take place. Half day and full day sessions would have less movements of between 20 or 10 two way movements. The one hour gap between sessions would also lessen the potential highway impact of the development. Whilst a minimum of 12 parking spaces are provided in the hardcore area it is noted that there would be flexibility for additional parking within the site if required. In terms of public transport it is noted that the site is well connected to Marsden Train station which is approximately 650 metres away to the west, with Marsden centre also well connected in terms of buses being less than 1km from the site.
- 10.24 The Highways Officer has advised that the parking and access arrangements for the development are considered to be acceptable and the 60 minute gap

between sessions should reduce any potential conflict between vehicles arriving and leaving. A condition requiring the surfacing of areas in appropriate materials will be conditioned, along with specific details of the layout of the parking spaces and details for the storage and collection of waste from the site. A condition restricting group sizes to 30 will also be attached to the decision notice to protect highway safety, along with a condition ensuring that the 60 minute gap between sessions is retained by conditioning the additional highway statement provided by the applicant. In addition conditions requiring the provision of the passing places before the development is brought into use will be conditioned and details of a drop off and collection facility within the site. These measures are considered to collectively form an appropriate traffic management plan for the site.

- 10.25 The applicant was approached regarding the potential to improve the point of access onto the site from Warehouse Hill. However the applicant considers that the potential for improvement is limited and given the number of movements proposed by the development further improvement to the point of access is not necessary. In addition, the applicant has highlighted that the track is currently used by the Canal and Rivers Trust track with reasonably large vehicles without issues and they consider that this would remain the case. Furthermore the access track is owned by the Canal and Rivers Trust with access rights granted to the applicant. Any improvements would therefore need to be agreed with the Canal and Rivers Trust who have been consulted on the application and who do not raise any objection to the access arrangements currently proposed.
- 10.26 It is also noted that the site is located adjacent the canal tow path which forms part of the core walking and cycling network under Policy PLP23 of the draft Local Plan. The proposal would not impact on the operation of this network and the proposal is therefore considered to accord with Policy PLP23 of the draft Local Plan.
- 10.27 Subject to the conditions set out above the proposal is considered to have an acceptable impact on highway safety and would accord with Policies T10 and T19 of the UDP and Policies PLP21 and 22 of the PDLP.

### Ecology

- 10.28 The impact of the development on local ecology and trees has been assessed by the Councils Ecologist and Arboricultural Officer and considered in relation to Policy NE9 of the UDP and Policies PLP30 and 33 of the PDLP and Policies in Chapter 11 of the NPPF. The application has also been submitted with a Preliminary Ecological Site Appraisal and an Arboricultural survey.
- 10.29 The Councils Ecologist initially sought further information regarding the operation of the site to understand how it would impact on local ecology. Whilst a specific statement with regards to ecology was not provided the information submitted was sufficient to address the concerns of the Councils Ecologist who withdrew the request for any further information. Given the nature of the development which would work with the natural environment it is not considered necessary to require any further ecology enhancements.
- 10.30 The site is also covered by a number of mature trees and an Arboricultural survey has been carried out which has been assessed by the Councils Arboricultural Officer. The Arboricultural Officer has confirmed that the trees are not protected and does not raise any objection to the application. It is noted that

the proposal would work with the natural environment and would not lead to substantial loss of trees at the site.

- 10.31 In light of the above the application is considered to have an acceptable impact on local ecology and trees and would accord with Policies NE9 of the UDP and Policies PLP30 and 32 of the PDLP and Chapter 11 of the NPPF.

### Other Matters

#### *Flood Risk*

- 10.32 Part of the site is located within Flood Zone 2, adjacent to the River Colne and the proposal has been assessed by the Environment Agency. The Environment Agency do not raise any objection to the proposal as the parking area is located more than 40 metres from the bank of the river. Furthermore the proposed change of use forms a water-compatible development in terms of vulnerability classification which are acceptable forms of development in flood zone 2. The Environment Agency do however advise that an informative note is provided regarding the potential need for a permit, this can be added to any decision.

#### *Crime Prevention*

- 10.33 The application has been assessed by the West Yorkshire Policy Architectural Liaison Officer (PALO). After the submission of further information the PALO does not raise any objection to the proposal.

### Representations

- 10.34 In total 9 representations have been received including comments by local MP Thelma Walker. A summary of the points raised are set out below with a response to the points raised:

#### *Highway Safety*

- Access to the site is via the junction of Warehouse Hill and Marsden Lane where visibility is limited in both directions and where there are a number of vehicles parked on street, the use of this access for the proposed development would be detrimental to highway safety.

**Response:** As set out in the highway section above the proposal is considered to have an acceptable impact on highway safety.

- Currently there are rarely more than 4 vehicle movements per day and the application proposes 12 parking spaces but no details are provided in relation to the activities and how frequent these would be, but there would be a big increase. Will the existing access track be improved to account for additional movements?

**Response:** As set out in the highway section above the details regarding vehicle movements has been provided which are considered to be acceptable. The application includes improvements to the access track which are conditioned.

- The access track is a rough path used by walkers (for at least 30 years), cyclists and serves the Canal and Rivers Trust Depot, increase volumes of traffic would comprise its use. The track connects different parts of Marsden with the village centre allowing sustainable travel and this route is used by a substantial number of people. Will the track still be able to be used by walkers? Will its use for the proposal endanger users more?

**Response:** The proposal would not affect users rights to walk along the track or the canal.

### *Ecology*

- The proposal would have an adverse impact on local ecology as the site is rich in bat, bird and other wildlife. The site is home to a variety of wildlife which includes, heron, woodcock, sparrow hawk, kingfishers, tree creeper and many others.

**Response:** The impact on local ecology has been considered in detail by the Councils Ecologist and a preliminary ecology assessment has been carried out. The Councils Ecologist does not raise any objection to the proposal on ecology grounds.

- There are no details of how the proposal would provide an environmental enhancement to the site or how the existing situation is maintained. This should be required and or monitoring of the site should be required.

**Response:** Given the nature of the development which seeks to work with the natural environment it is not considered necessary to require any enhancements be provided.

### *Principle*

- The site is designated as Green Belt can it be assured that there is no further development allowed in the future?

**Response:** As set out above, the principle of the proposed development is considered to be acceptable in Green Belt terms, any further development of the site would require planning permission.

### *Amenity*

- The application provides little detail regarding the expected volume or frequency of actives on the site, therefore more information should be submitted.
- The use of the site would lead to disruption to local amenity from noise, smoke from fires and the associated actives including residential properties and a local children nursesey.

**Response:** Further information has now been provided by the applicant to details that typical group sizes will be between 15-20 people with maximum sizes of up to 30 when children visit the site. Sessions would be either 2 hours long, half day or full day. These details are considered to be sufficient to allow an assessment on amenity grounds which is considered to be acceptable. Consideration has also been given in respect of impact from fires and mitigation measures which can be conditioned.

### *Other*

- Given that the access to the wider site is unrestricted would it be safe to be used by children and young adults. No details regarding health and safety controls have been provided either.

**Response:** The safety of users of the site would be for the applicant to address and is covered by other legislation.

- There are currently no buildings on the site and there are concerns that structures would be required to serve the development as there are no toilet, shelter or reception facilities for the proposed development. Any such structures would erode the undeveloped nature of the site.

**Response:** The only structures which would be erected on site would be of a temporary nature that would not require planning permission. A temporary toilet would be provided if needed.



## **11.0 CONCLUSION**

- 11.1 In conclusion the proposed development forms a recreational use which is considered to be acceptable within the Green Belt. The proposal would protect the operation of the canal and allow improved access to the countryside by a variety of different people. The proposal would have an acceptable impact on local amenity, highway safety and ecology.
- 11.2 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.
- 11.3 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. Development to commence within 3 years.
2. In accordance with the plans.
3. Development to operate in accordance with submitted statement regarding fires, operation of the site and traffic including the provision of a 60 minute gap between sessions.
4. Restriction of hours of operation from 7am to 9pm.
5. Restriction of the group size to 30.
6. Submission of details for layout of the bushcraft areas on the site and the car parking area.
7. Submission of details for waste collection.
8. Provision of passing spaces before the development is brought into use.
9. Provision of a drop off and collection facility within the site before the development is brought into use.
10. Surfacing of areas to be used by vehicles.
11. Submission of details to control Himalayan Balsam.

Informative Note regarding Potential Environment Agency Permit

### **Background Papers:**

Application and history files.

Website link:

<http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2017%2f94366>

Certificate of Ownership – Notice served on/ or Certificate A signed:

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## Report of the Head of Strategic Investment

### STRATEGIC PLANNING COMMITTEE

Date: 10-May-2018

**Subject: Planning Application 2018/90865 External refurbishment and alterations to units 9-10, 12 and 17-20, installation of security fencing, replacement of external lighting and formation of carpark extension Unit 20, The Ringway Centre, Beck Road, Huddersfield, HD1 5DG**

#### APPLICANT

Berkeley Square  
Common Investment

#### DATE VALID

15-Mar-2018

#### TARGET DATE

14-Jun-2018

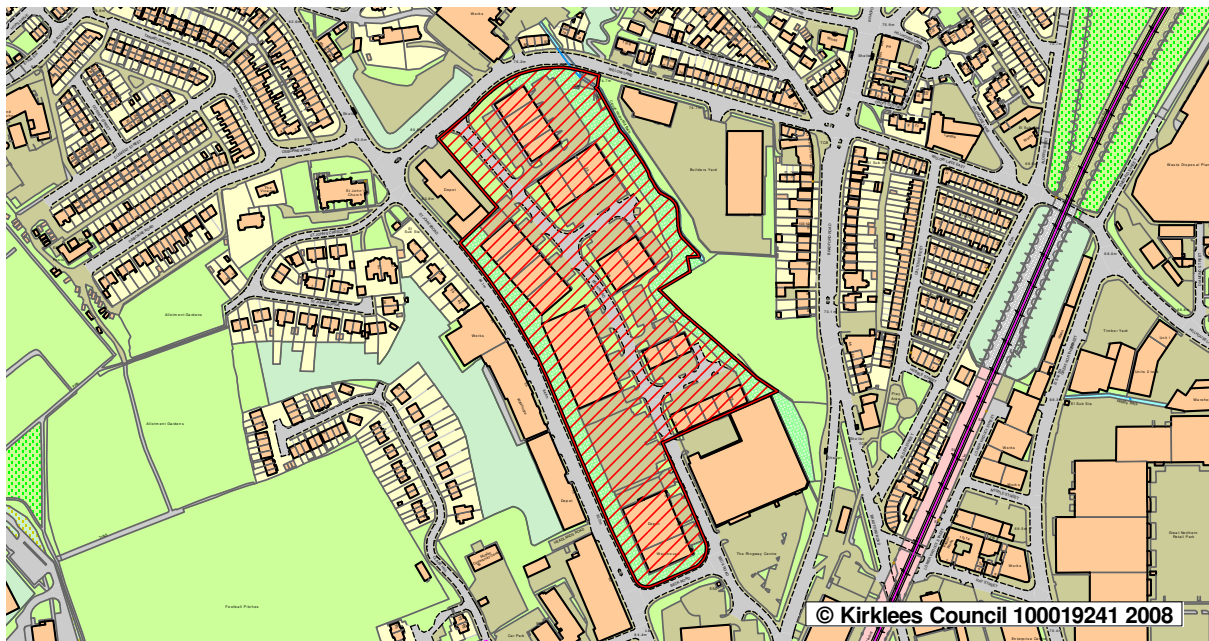
#### EXTENSION EXPIRY DATE

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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

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**Electoral Wards Affected: Greenhead**

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 This is a full planning application seeking external refurbishment and alterations to several units on the Ringway Centre, the installation of security fencing, the replacement of external lighting and the formation of a car park extension.

1.2 The application is brought to Strategic Committee given the size of the site's area, which exceeds 0.5 ha, in accordance with the Council's delegation agreement.

### **2.0 SITE AND SURROUNDINGS**

2.1 The Ringway Centre is a purpose built industrial estate, built c.1980s. It comprises 28 units of varying sizes. Uses include warehousing and integral office spaces, with more recent additions including breweries and gyms. Each unit is served by individual or shared tarmac area and service yards, accessed from Beck Road which runs through the middle of the site. The site is landscaped with mature trees, many which benefit from TPOs, and grassland.

2.2 The site is to the north of Huddersfield Town Centre's ring road, with several retail units between. Saint John's Road to the west hosts similar industrial units. To the east is woodland and open derelict land leading to Bradford Road. To the south are two grouped retail parks.

### **3.0 PROPOSAL**

3.1 The proposal seeks the following works to units 9, 10, 12 and 17 – 20;

- Over-clad the front elevations of units 9, 10 and 12 with profiled metal cladding in Grey/Anthracite.
- Over-clad the front elevations of units 17 – 20 with new dark grey horizontal profile cladding sheets, with contrasting lighter coloured sections between the curtain walling.
- The side and rear elevations of each unit are to be spray painted to match the colour of the front elevation.
- The existing roof coverings (asbestos, defective) will be replaced with a new built roofing system. It will be finished externally with light grey profiled metal

sheeting. This will increase the roof heights by 200mm (due to the thickness of insulation required by building regulations).

- Units 9, 10 and 12 are to have their timber openings replaced with grey/anthracite aluminium frames.
- The existing numbering serving each unit will be replaced for larger, clearer numbers fixed to the face of the cladding.

3.2 Security fencing is to be installed in various locations around the site. The fencing is to be 2.4m metal mesh v-guard to match that existing elsewhere on site. Please see the attached plans for full details on fence locations, with the following as a summary;

- Between the side and rear of units 20 and 21, set back from the road.
- Adjacent the pavement fronting the road between units 21 and 25.
- Between the rears of units 10 and 11.
- Along the front and rear of the car park between units 25/24 and 26/27/28.
- Adjacent the pavement fronting the road between units 26 and 33.
- To the rear of unit 11.

3.3 The car park to the front of units 9 and 10 is to be extended, into the adjacent grassed area, by 7.0m x 10.0m (70sqm). It is to be surfaced in macadam, to drain into the existing outlets.

3.4 The site's external lights are to be changed to new LED fittings.

#### 4.0 **RELEVANT PLANNING HISTORY (including enforcement history)**

##### 4.1 Application Site

Given the site's commercial use and large area there are numerous planning applications within the site. This includes past recladding, extensions and fencing. The following are those considered directly relevant to the current proposal;

###### *Newey and Eyre Ltd Unit 25*

2018/90936: Works to trees TPO 29/17 – Consent Granted

**Note:** Approved the removal of several trees, protected by TPOs, around the site, principally due to damage to drainage network.

###### *Unit 23*

2016/91400: Erection of 2.4m weld mesh security fencing and gate to front and installation of three windows to external end wall – Conditional Full Permission

###### *Units 2/3*

2015/94097: Change of use from B8 warehouse to D2 health and fitness use and ancillary car parking – Conditional Full Permission

2014/90897: Erection of 2.4m high palisade fencing and matching access gates – Conditional Full Permission

#### 4.2 Surrounding Area

The surrounding area has no relevant planning history.

### 5.0 **HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

5.1 No negotiations were undertaken as the plans as originally submitted were deemed acceptable.

### 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 On the UDP Proposals Map the site is designated as '*Area where Industry and Warehousing Development will normally be permitted*'.

6.3 The site is designated as a Priority Employment Area on the PDLP Proposals Map.

#### 6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

- **NE9** – Development proposals affecting trees
- **BE1** – Quality of design
- **BE2** – Design principles
- **BE23** – Crime prevention
- **T10** – New development and access to highways
- **B1** – Business and industry: strategy
- **B4** – Premises and sites with established use, or last used for business and industry
- **TC1** – Huddersfield Town Centre
- **TC12** – Area where Industry and Warehousing Development will normally be permitted'

## 6.5 Supplementary Planning Guidance / Documents

- **PLP1** – Presumption in favour of sustainable development
- **PLP2** – Place shaping
- **PLP3** – Location of new development
- **PLP8** – Safeguarding employment land and premises
- **PLP21** – Highway safety and access
- **PLP24** – Design
- **PLP33** – Trees

## 6.6 National Planning Policy Framework

- **Paragraph 17** – Core planning principles
- **Chapter 1** – Building a strong, competitive economy
- **Chapter 7** – Requiring good design
- **Chapter 11** – Conserving and enhancing the natural environment

## 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 Council's adopted Statement of Community Involvement.

7.2 The end date for publicity was the 27<sup>th</sup> of April, 2017.

7.3 No public representations have been received.

### *Ward member involvement*

7.4 As major development the proposal was brought to the attention of local ward members. The local ward is Greenhead, with the members being Councillor Carole Pattison, Councillor Mohan Sokhal and Councillor Sheikh Ullah.

7.5 Cllrs Sokhal and Ullah have provided no comments. Councillor Pattison requested an update on the process of the application but provided no comment.

## 8.0 **CONSULTATION RESPONSES**

### 8.1 Statutory

No statutory consultees were required.

### 8.2 Non-statutory

Crime Prevention: An informal discussion was held. Support the application.

K.C. Trees: No objection subject to condition. Advised that discussions and a separate tree works application on site are ongoing (ref. 2018/90936).

K.C. Lead Local Flood Authority: An informal discussion was held. No objection.

## 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). The dimensions of sustainable development will be considered throughout the proposal.
- 10.2 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 without notation on the UDP Proposals Map and Policy D2 (development of land without notation) 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]'*

All these considerations are addressed later in this assessment.

- 10.4 The application must also be considered against TC12, as the site is within an 'area where industrial and warehousing development will normally be permitted'. The policy states that development for these uses, which the proposal is deemed to be, will be supported.
- 10.5 Consideration must also be given to the emerging local plan. The site is allocated as a Priority Employment Area, which seeks to protect employment uses. The proposal will not impact on the employment at the site. PLP2 states that;

*All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the local plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below...*



The site is within the Huddersfield sub-area. Policy PLP3, 'location of new development', requires development to reflect the characteristics of the surrounding area, while also supporting employment in a sustainable way. PLP7 relates to the efficient and effective use of land and buildings. The listed qualities and criteria of these policies will be considered where relevant later in this assessment.

- 10.6 Given the above it is concluded that the principle of development is acceptable. However consideration must be given to the local impact, outlined below.

#### Urban Design issues

- 10.7 The replacement lighting fixtures and car park extension are considered to have a limited impact upon the area's visual amenity. The lighting fixtures will be similar in appearance to those they are replacing, while the car park extension is modest, replacing a grassed area and low bushes.
- 10.8 The new fences, to be 2.4m in height, are extensive and will be prominently visible in several locations. Nonetheless the site is an '*area where industrial and warehousing development will normally be permitted*' and has a visual character to reflect this. Other sections of fencing, some with a matching design, are already present within the site (as approved via 2016/91400). While the proposal will add fencing to areas where it currently is not present, it is not anticipated to appear incongruous within its setting, nor would it harm visual amenity, and therefore does not raise concerns from officers.
- 10.9 Considering the works to the commercial units, including the fenestration changes, over-cladding, painting and re-roofing, these would result in a visual modernisation of the buildings that would not be visually unattractive. The colour of the over-cladding/paint has been confirmed by the agent to be Anthracite (RAL7016) which is acceptable for a commercial area, and can be secured via condition.
- 10.10 Specific to the re-roofing, to replace the defective asbestos roof covering, the works will result in the roofs raising a modest 200mm (due to modern insulation). However the buildings have a feature parapet which will result in the modest increase not being readily visible.
- 10.11 Considering the above, officers are satisfied that the proposed development would not harm visual amenity, or appear incongruous within the setting of the area. The proposed is deemed to comply with Policies D2 and BE1 of the UDP, PLP24 of the PDLP and Chapter 7 of the NPPF.

#### Residential Amenity

- 10.12 The site is separate from nearby dwellings. Furthermore the nature of the works do not raise concerns relating to noise pollution, overshadowing impacts or result in an overbearing development. Officers conclude that the development would not prejudice residential amenity, in accordance with PLP24 and Paragraph 17 of the NPPF.

#### Highway issues

- 10.13 The proposed recladding and painting is not anticipated to distract drivers. The fences, while 2.4m in height, are set back from the road and will not block driver sightlines. Furthermore, as mesh, they are see-through.
- 10.14 Turning to the car park extension, it will not change the existing car park's access arrangements onto Beck Road. While details of layout have not been provided, at 7.0m x 10.0m it can be anticipated to accommodate a maximum of 4 additional cars. This limited number is not deemed detrimental to highway safety or efficiency.
- 10.15 The proposed works are not deemed harmful to the safe and efficient operation of the highway, in accordance with T10 and PLP21.

### Other Matters

#### *Local economic impact*

- 10.6 Chapter 1 of the NPPF, B1 of the UDP and PLP1 of the PDLP add weight in favour of economic development. The proposal will assist the applicant in their business aims and objectives and therefore weight is attributed to the economic benefit this will provide.

#### *Impact on protected Trees*

- 10.17 There are several area Tree Preservation Orders (TPO) alongside individual Trees protected by TPOs. The proposed works do not require, nor does this application seek, the removal of any protected trees.
- 10.18 Notwithstanding this the re-cladding will likely necessitate the pruning of adjacent protected trees, and the proposed fencing will be close to the root spread of protected trees. K.C. Trees do not object to the proposal, however they request that an Arboricultural Method Statement be provided, via condition, to detail how works will be undertaken without causing damage to protected trees. Subject to this condition officers are satisfied that the proposal complies with NE9 of the UDP and PLP33 of the PDLP.

#### *Crime prevention*

- 10.19 The design and access statement gives the following rationale for the fence;
- 'The fencing will be located in areas where fly tipping, drinking, drug taking and illegal soliciting are currently an issue on-site, to restrict access in those areas, and improve overall security and the public image of the wider estate'.*
- 10.20 Officers discussed the application with the Police Architectural Liaison Officer (PALO), who have provided the following statement on activity at the site;
- Historically, the layout of the units in the Beck Road Business and Retail Parks created several hidden, isolated areas which became vulnerable to crime and anti-social behaviour. This has been particularly the case affecting the units running along the eastern side of the site, where access and egress has also been able to be gained on foot leading to and from Bradford Road / Willow Lane.*

*I can confirm that the anti-social behaviour referred to in the D&A statement has been a problem for many years, but has not been the only problem affecting resident businesses, some of which have also suffered from time to time with overnight burglary and criminal damage occurrences.*

*The opportunity for various types of crime and disorder will be reduced with the measures as proposed in the application.*

- 10.21 Policies BE23, PLP24 and Paragraph 8 of the NPPF add weight in favour of development which enhances crime mitigation and prevention, which PALO has confirmed the proposal would achieve.

#### Representations

- 10.22 No public representations have been received.

### **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 proposal seeks to enhance the existing industrial and commercial facilities provided at the Ringway Centre. The principle of the development is considered acceptable, and there has been assessed to be no detrimental impact to the local area, subject to the conditions which have been outlined.

- 11.3 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)**

- Three year time limit
- In accordance with plans
- Arboricultural Method Statement
- Over-cladding and paint to be RAL7016 (Anthracite)
- Car parking area to be constructed, surfaced and maintained with attached existing parking area

### **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%2f90865>

Certificate of Ownership: Certificate A signed

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