
Report of the Head of Development Management

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 09-Mar-2017

Subject: Planning Application 2016/90951 Erection of 27 dwellings and ancillary works Forest Road, Huddersfield, HD5 8EU

APPLICANT

C Noble, D Noble LTD

DATE VALID

22-Mar-2016

TARGET DATE

21-Jun-2016

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: Dalton

No

Ward Members consulted
(referred to in report)

RECOMMENDATION:

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

1.0 INTRODUCTION:

1.1 The proposals are brought forward to the Sub Committee for determination because the site exceeds 0.5 hectares, in accordance with the Council's Scheme of Delegation. The site is allocated for housing in the UDP.

2.0 SITE AND SURROUNDINGS:

2.1 The site comprises an area of grazing land that slopes down very steeply from Forest Road towards Ravensknowle Road at the rear/ north west of the site.

2.2 The site lies within a residential area. There are traditional terraced houses to the north western boundary on Ravensknowle Road that are set down from the site and houses to the south western boundary on Bancroft Avenue/Almondbury Bank. To the north east is no.33 Forest Road and an area of woodland. The southern part of the site adjoins a children's nursery and houses.

3.0 PROPOSAL:

3.1 The proposal is for the erection of 27 dwellings (reduced from 28) comprising 22 houses and 5 flats. The houses are a mixture of detached, semi-detached and terraced properties. Access to the site is via Forest Road.

3.2 The layout provides a block of flats to the Forest Road frontage of the site with two rows of houses set on either side of the access road within the site. Due to the site levels the buildings are all split level. Facing materials are artificial stone with tiled roof.

4.0 RELEVANT PLANNING HISTORY:

- 4.1 2001/91708 – Erection of 12 no. detached dwellings with garages – Refused on the grounds that the proposal would develop a greenfield site before identified brownfield sites and detrimental impact on highway safety and residential amenity
- 4.2 2000/92314 Erection of 12 detached dwellings with garages – Refused on the grounds that the proposal would develop a greenfield site before identified brownfield sites, failure to provide POS within the site, detrimental impact on highway safety and residential amenity
- 4.3 1999/90884 Erection of 24 dwellings with integral garages - Withdrawn
- 4.4 1998/90803 Erection of 26 no. dwellings – refused and subsequent appeal dismissed

Application 1998/90803 was the subject of an Informal Hearing against the Council's failure to determine the application. This Hearing was held in June 1999 and the Inspector dismissed the appeal and refused the application, the main reasons being the scheme failed to provide Public Open Space within the site and an offer of payment in lieu to upgrade existing facilities was inappropriate in this case given the distance and time taken to get to these existing facilities; he was dissatisfied with the layout and form of development relative to the topography of the site and the neighbouring dwellings.

5.0 HISTORY OF NEGOTIATIONS:

- 5.1 The application has been amended to reduce the impact on neighbouring properties on Ravensknowle Road which has resulted in a dwelling being removed and the massing and design of plots 1-11 being modified.
- 5.2 Amendments have also been secured to make the streetscene within the site more 'active' including by reducing the dominance of parking.
- 5.3 The design of the block of flats has been altered and parking for the flats moved away from Forest Road to be undercroft parking.
- 5.4 The internal road layout has been modified to meet Highways requirements and visitor parking 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 published for consultation on 7th November 2016 under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations

2012. The Council considers that, as at the date of publication, its Local Plan has limited weight in planning decisions. However, as the Local Plan progresses, it may be given increased weight 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. Pending the adoption of the Local Plan, the UDP (saved 2007) remains the statutory Development Plan for Kirklees.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is allocated for housing on the Unitary Development Plan Proposals Map.

BE1 – Design principles
BE2 – Quality of design
BE12 – Space about dwellings
BE23 – Crime prevention
D2 – General development principles
G6 – Land contamination
NE9 – Retention of mature trees
H1 – Housing needs of the district
H6 – Allocated housing sites
H10 – Affordable Housing
H18 – Provision of open space
T10 – Highway Safety
T19 – Parking Standards
EP11 – Ecological landscaping

Supplementary Planning Guidance / Documents:

- 6.3 K.C. Supplementary Planning Document (SPD2) – ‘Affordable Housing’ Interim affordable housing policy adopted December 2016

National Planning Guidance:

- 6.4 The following parts of the NPPF are relevant:

Core planning principles
Chapter 4: Promoting Sustainable Transport
Chapter 6: Delivering a wide choice of high quality homes
Chapter 7: Requiring good design
Chapter 8: Promoting healthy communities
Chapter 11: Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was originally advertised by site notices, press advert and neighbour letters.

In response to the publicity 15 representations were received. These are summarised as follows:

Principle:

- Planning permission previously refused on this site. Same reasons for refusal apply.

Amenity:

- Loss of green space/playing area (loss of play area would force children to cross Almondbury Bank to access play facilities)
- Loss of privacy/overlooking
- Boundary treatment to prevent overlooking may cause overshadowing
- Scale and massing of houses causing overshadowing
- Impact on visual amenity of the area/loss of outlook
- Flats on Forest Road not in keeping with character of area and will dominate the appearance of the development
- Houses packed tightly onto the site/overdevelopment
- Lack of green space
- Noise and disruption from construction
- Query how close development is to 127 Almondbury Bank
- Obstructive/overbearing

Highways:

- Detrimental impact on safety
- Width of Forest Road, on street parking and the tight junction with Almondbury Bank make access difficult, especially for emergency vehicles
- Forest Road is a two-way street and cannot accommodate a junction next to the nursery
- Increased traffic and congestion
- Cumulative impact on traffic of this and other approved developments nearby
- Access more appropriate via Bancroft Avenue

Flood risk & drainage:

- Impact on existing drainage systems and potential flood risk
- Loss of natural drainage, replaced with hard surfaces
- Concerns with surface water drainage given gradient of site
- Concern where sewer pipes will go

Ecology:

- Impact on habitat for birds and owls

Other matters:

- Development may cause subsidence to adjacent property
- Error and omissions on application form regarding trees being on the site and no information provided on materials.

Following the submission of amended plans, these were publicised by letters sent to near neighbours and interested parties. Two representations were received in response. The representations are summarised as follows:

- Overlooking of property to the rear of the site on Ravensknowle Road
- Flood risk to existing properties that are lower down on Ravensknowle Road
- Overdevelopment of the site
- Poor site for housing because of its size and gradient
- Loss of green space within an urban area

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Highways Development Management – No objections

8.2 Non-statutory:

KC Environmental Services – No objections

KC Trees – No objections

KC Ecology Unit – No objection subject to conditions

KC Education – A contribution of £69,190 is required towards local education provision

KC Landscaping – There is minimal landscaping within the site and the applicant should review this situation and provide more landscaping where possible to soften the appearance of the development and enhance biodiversity

KC Strategic Housing – Development triggers an affordable housing contribution and there is a need for affordable housing in this area.

KC Flood Management & Drainage – No objections to the principle of the drainage strategy subject to conditions relating to detailed design. Consideration of flood routing within the site is required.

Yorkshire Water – Surface water disposal should follow the hierarchy of disposal. Discharge via infiltration or watercourse should be considered before disposal to public sewer. The public sewer does not have capacity to accept an unrestricted discharge of surface water.

9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Landscape issues
- Housing issues
- Highway issues
- Drainage issues
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

- 10.1 The application seeks planning permission for 27 dwellings on land allocated for housing on the adopted development plan (Policy H6, site no. H7.25). The principle of the development is accepted in accordance with the site's allocation.
- 10.2 Paragraph 14 of the National Planning Policy Framework (NPPF) outlines a presumption in favour of sustainable development. For decision-taking this means 'approving development proposals that accord with the development plan without delay'.
- 10.3 In respect of planning policies related specifically to housing in the UDP, consideration must be made as to whether these can be classed as 'up to date' following the publication of the NPPF. Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. At present, the Council is unable to demonstrate a five-year supply of housing land and therefore the provision of new housing to meet the shortfall is a material consideration that weighs in favour of the development proposed.
- 10.4 This site is considered to be greenfield (i.e. not previously developed). The NPPF encourages the effective use of land by reusing land that has been previously developed (Brownfield land) but it does not set out a 'brownfield first' approach to development. The site has some limited value from a visual and ecological perspective but it is concluded that this does not outweigh the benefits of the development, in particular the provision of housing.

Urban Design issues

- 10.5 The design and layout of the development is heavily influenced by the topography of the site which slopes very steeply down from Forest Road towards the rear. What is more, access to the site is only achievable from Forest Road because access via Bancroft Avenue involves third party land and the applicant has been unable to secure an agreement with all third party landowners. The effect of this is that the proposed internal estate road is a fixed element of the scheme because it is the only practical means of delivering an access from Forest Road and into the site. This has determined the layout of the houses on the remainder of the land. The site levels also influence the design of the buildings which are all split level.
- 10.6 The site lies within a residential area with surrounding development comprising of a range of property types. There is traditional terraced housing to the northwest and a mixture of detached, semi-detached and short rows of terraced houses to the southwest, southeast and northeast.
- 10.7 The scheme is predominantly semi-detached dwellings (16 no.) with a small number of detached (3 no.) and terraced houses (3 no). The scheme also includes a block of apartments (5 units) that front onto Forest Road. The overall design is fairly typical estate type housing. Variety within the design is provided across the site through architectural detailing and differences in the scale of dwellings, for example some properties have three storey frontages and others have single and two storey frontages. The design of the apartment block has been altered to strengthen its presence to Forest Road and to simplify its appearance at the rear by omitting the Juliet balconies. Amendments have also been secured to make the streetscene within the site more 'active' by reducing the dominance of parking at the front of dwellings and altering the internal arrangement of some properties at street level to include more main window openings to promote surveillance and 'ownership' of the internal estate road by future occupiers.
- 10.8 Taking into account the complexities of developing this site because of its steep gradient, on balance the proposals are considered to be acceptable in terms of their design and layout. The scheme represents a relatively dense form of development although it is not out of keeping with the character of the surrounding area and it is to be borne in mind that this type of density of development is necessary to make the scheme viable. The general design approach is considered to be appropriate for the site and on balance would not result in any significant harm to the visual amenity of the area.
- 10.9 Facing materials are artificial stone with tiled roof. The surrounding area is predominantly natural stone and render with some brick. Subject to approval of the samples the materials are acceptable in principle. The initial section of the access road down to plot 1 will form a significant retained structure within the site and it is important that the facing material of the retaining walls is in keeping with the remainder of the development; details of the material can be conditioned.

10.10 In conclusion the application is considered to satisfy Policies BE1 and BE2 of the UDP and design guidance in the NPPF.

Residential Amenity

10.11 One of the main considerations is the impact of the development on the terraced houses to the northwest of the site on Ravensknowle Road which are set down from the site.

10.12 The scheme has been amended to mitigate the impact on these neighbouring properties by:

- deleting a dwelling which has allowed more openness to be provided within the row of development forming plots 1-11 and help to break up its built form
- reducing the massing of plots 1-11 by lowering their eaves height at the rear (incorporating asymmetrical roofs and dormers as an alternative to a full storey height)
- Ensuring that a minimum separation distance of 21m is achieved between all habitable windows
- Amended rear garden levels and boundary treatment to plots 1-11 to limit the height of the rear boundary treatment relative to the adjacent properties

10.13 Separation distances comply with Policy BE12 and in some instances exceed the policy requirement. The physical constraints of the site mean that it is not feasible to increase the separation distances any further or reduce the height of the buildings any more than that proposed. On balance it is considered that the amendments have mitigated the impact on the adjacent properties on Ravensknowle Road to an acceptable extent.

10.14 Plots 1-11 include raised terraces at the rear with the height of each terrace reducing significantly from plots 1 and 2 down to plot 11. The terraces bring the dwellings closer to the boundary but it is not considered that the use of the terraces would significantly prejudice the amenity of neighbouring occupiers.

10.15 In terms of relationships to other surrounding properties officers are satisfied that an acceptable standard of amenity is provided having regard to separation distances and taking into account the scope for boundary treatment which can be agreed by condition. The site is within a residential area and the proposal is therefore compatible with the surroundings.

Landscape issues

10.16 There is very limited landscaping although this is as a consequence of the challenges of developing the site and the subsequent impact on the road and housing layout. On balance officers accept that meaningful landscaping cannot realistically be provided for this development.

Housing issues

- 10.17 The site was allocated for housing in 1999 on the UDP Proposals Map. For information the site is also allocated for housing in the Draft Local Plan. The proposal will bring forward this long-standing allocation which will boost the supply of housing in the district at a time when the council is unable to demonstrate a five year housing land supply. The development provides a mixture of 3, 4 and 5 bedroom houses as well as 2 and 3 bedroom flats. There is an identified need for 1-3 bedroom properties in this area.

Highway issues

- 10.18 Access to the site is via a simple priority junction off Forest Road. Acceptable sightlines can be provided and officers have no objections to the proposed point of access.
- 10.19 The access road provides acceptable gradients and the layout affords sufficient space for a turning head to be provided. Detailed highway design will be dealt with by condition and under separate process relating to road adoption.
- 10.20 The development provides off-street parking at a rate of 2 spaces per dwellinghouse (excluding apartments). Given the size of the some of the properties there is a shortfall in parking provision in respect of maximum standards as set out in the UDP. Nevertheless on balance officers are satisfied that an acceptable level of parking is provided for each property and additional parking could be adequately accommodated on street when necessary. Two visitor parking spaces are also provided. The level of parking provision for the apartments is accepted.
- 10.21 The development can be accommodated on the local highway network without prejudicing highway safety. The application is considered to accord with Policy T10 of the UDP.

Drainage and flood risk issues

- 10.22 It is proposed that surface water will discharge to the public sewer in Almondbury Bank Road via Bancroft Avenue. An attenuation tank/oversized pipes would be provided to restrict the rate at which water discharges to the sewer. This is acceptable to Kirklees Flood Management and Drainage subject to conditions relating to detailed design. The restricted rate of discharge will satisfy the requirements of Yorkshire Water.
- 10.23 The site is within Flood Zone 1 and is therefore at low risk of flooding. In major storm events overland floods the access road would provide the natural conduit for overland flows. The impact of this on the risk posed to proposed dwellings within the site can be managed through separate process relating to road adoption; for example with regards to kerb design.

Representations

10.24 A total of 17 representations have been received. The main issues raised have been addressed within the relevant sections of this report. A response to the other issues raised by objectors is provided below but in summary the issues raised do not materially alter the conclusions reached in this assessment.

- Reasons for refusal relating to previous applications on this site still apply:
Officer response: Relevant planning history is set out at section 4.0. The previous reason for refusal relating to a brownfield first approach to development is no longer relevant. The absence of on-site POS has been dealt with through a viability assessment. Specific consideration of the highways and residential amenity impacts having regard to the development proposals have been considered separately.

- Loss of green space/playing area
Officer response: The site is allocated for housing in the UDP (as well as the draft Local Plan) and forms a largely enclosed area of steeply sloping grazing land. The development would not result in the loss of any publicly accessible open land. The loss of this greenfield site does not outweigh the provision of housing on this allocated site.

- Noise and disruption from construction
Officer response: This is not a material planning consideration

- Development may cause subsidence to adjacent property
Officer response: Land stability is a material planning consideration however officers are satisfied that this matter can be adequately addressed through the Building Regulations regime.

- Error and omissions on application form regarding trees being on the site and no information provided on materials.
Officer response: The information submitted has enabled a proper assessment to take place. The trees officer has assessed the application and has not raised any concerns and information on the materials was included within the Design and Access Statement and is discussed earlier in this report.

Planning obligations

10.25 The development has undergone an independently assessed viability appraisal. This has concluded that the development is unviable with any S106 contributions (affordable housing, public open space, education). The reason for this is because of the significant costs associated with developing this site resulting from its topography. Officers accept the conclusions of the independent assessment.

Other Matters

- 10.26 The site comprises grazing land that is of limited ecological value and as such there are not any significant ecological implications to developing the site. Biodiversity enhancement can be secured by conditions for the provision of bat and bird boxes on the new dwellings.
- 10.27 There are no mature trees that would be adversely affected by the development.
- 10.28 There are no contaminated land issues with this site.
- 10.30 Electric vehicle charging points for the dwellings to be provide by condition in accordance with current guidance.

11.0 CONCLUSION

- 11.1 It is acknowledged that this is a challenging site to develop and this has strongly influenced the form of development proposed. In this context officers have sought to improve the appearance of the development and mitigate the impact on adjacent property as far as reasonably practical. The site is allocated housing in the UDP and it is noted that the site is retained for housing in the emerging draft Local Plan. As such significant weigh is afforded to the delivery of housing on this allocated site whilst noting that the site has viability challenges preventing it complying with other relevant policies of the Development Plan. On balance officers consider that the scheme is acceptable and will enable this housing allocation to be brought forward at this time.

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

1. Time limit condition
2. Development in accordance with approved plans
3. Approval of samples of facing materials
4. Scheme for external boundary treatment
5. Detailed drainage scheme
6. Surfacing of parking spaces
7. Details for construction of access road
8. Provision of sightlines
9. Biodiversity enhancement (bat and bird boxes)
10. Electric vehicle charging points

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planningsapplications/detail.aspx?id=2016%2f90951+>

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