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**Report of the Head of Strategic Investment**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 20-Jul-2017**

**Subject: Planning Application 2017/90602 Demolition of existing public house and erection of 26no. dwellings Land Adjacent to Spotted Cow Public House, New Hey Road, Salendine Nook, Huddersfield, HD3 3FG**

**APPLICANT**

Newett Homes, C/O  
Agent

**DATE VALID**

14-Feb-2017

**TARGET DATE**

16-May-2017

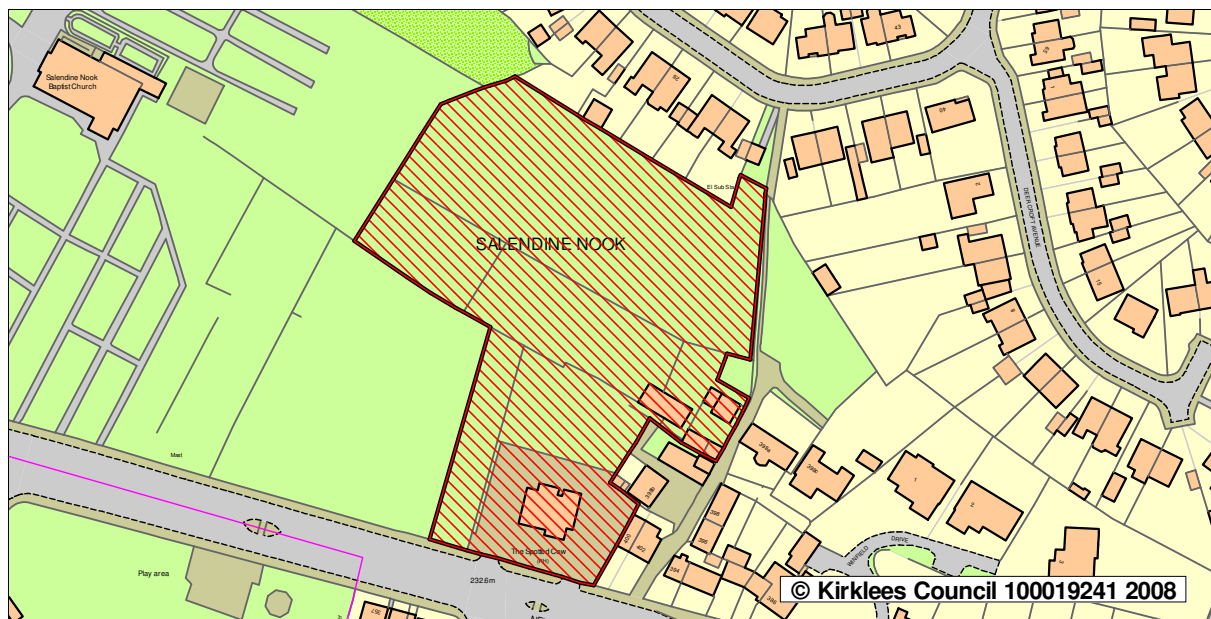
**EXTENSION EXPIRY DATE**

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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

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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 and to secure a S106 agreement to cover the following matters:**

- **The provision of affordable housing (four units); and**
- **The provision of an off site contribution towards Public Open Space of £69,000; and**
- **Education contribution of £64,248.**

**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 site is brought to Sub Committee as it is a site in excess of 0.5ha and, in part, represents a departure from Policy D5 of the Unitary Development Plan.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site comprises an area of 1.18 ha, located on the northern side of New Hey Road, Salendine Nook. The site includes the former public house "The Spotted Cow", and its curtilage. The pub has been vacant for a number of years and is in a neglected state. To the west and north parcels of informal grassed open space. As such the site is part brown field and part greenfield

- 2.2 The site is flanked on the west by undeveloped greenfield land. This land is allocated for housing on the UDP, and has the benefit of an outline application for housing. To the east there is a group of dwellings set around a narrow road off New Hey Road.
- 2.3 The greenfield element of the site extends up to the rear gardens of properties on Deercroft Crescent to the north of the site, and to the west flanks the graveyard of Salendine Nook Baptist Church. The site becomes significantly steeper up to the rear of Deercroft Crescent.
- 2.4 The site is flanked by a significant number of mature trees, which are covered by a Tree Preservation Order, and there is a public footpath alongside the eastern boundary linking New Hey Road with Deercroft Crescent.
- 2.5 The Spotted Cow, and its immediate curtilage are unallocated on the UDP, and the informal parcels of open space to the rear are allocated as Provisional Open Land.

### **3.0 PROPOSAL**

- 3.1 Full permission is sought for the erection of 26 no dwellings, mainly detached properties, but with 4 pairs of semi-detached properties scattered through the layout. There are 19no. 4 bed properties and 7no. 3 bed dwellings. The dwellings are 2-storey.
- 3.2 Vehicular access is taken off New Hey Road with alterations proposed to the existing accesses to the pub car park. The initial stretch of road into the site would be an estate road which then alters to a shared carriage way, serving an extended cul-de-sac.
- 3.3 Given the site's topography extensive engineering works would be required to undertake the development, including retaining walls to the rear of Deer Croft Crescent and on western parts of the site.
- 3.4. There is an area of greenspace indicated adjacent the access point, and fronting onto New Hey Road, resulting in the scheme being set back from New Hey Road

### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 None relevant on this site.
- 4.2 Adjacent site, 2015/90452, Outline application for erection of 22 dwellings and garages, and formation of associated car parking, access and landscaping. Allowed at appeal 3<sup>rd</sup> May 2016.

### **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 Additional information regarding the access point of New Hey Road, and the internal layout has been submitted satisfactorily addressing detailed concerns.

- 5.2 A site section across the northern end of the site has been provided clarifying the relationship and distances of any retaining structures from the public right of way that flanks the site to the east.
- 5.3 Additional drainage information has been submitted regarding the potential line of a stream at the bottom of the slope.
- 5.4 The applicants submitted a viability appraisal, which was been independently assessed. Vacant Building Credit is also applied to the existing buildings on site. The findings of the independent assessment have been considered agreed by all parties and are reflected in the S106 package in the recommendation box.

## **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 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework. At this stage Officers consider considerable weight can be afforded to the Publication Draft Local Plan. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

The site is partly without notation and partly Provisional Open Land within the UDP. The land is again partly without notation on the Kirklees Publication Draft Local Plan (the building and its immediate curtilage). The remainder of the site is safeguarded land.

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

- 6.2 D2 Unallocated land  
D5 – Provisional Open Land  
BE1 – Design principles  
BE12 – Space about buildings  
BE23 – Crime prevention  
G6 – Land contamination  
NE9 – Retention of mature trees  
T10 – Highway safety  
T19 – Parking standards  
H10 – Affordable housing

H18 – Provision of open space  
EP4 – Noise sensitive development

Supplementary Planning Guidance / Documents:

6.3 Supplementary Planning Document 2. “Affordable Housing”.

Councils Interim Affordable Housing policy

Education needs generated by development

6.4 Kirklees Publication Draft Local Plan, submitted for examination April 2017.

PLP1: Achieving Sustainable Development

PLP2: Place Shaping

PLP3: Location of new development

PLP6: Safeguarded Land

PLP11: Housing mix and affordable housing

PLP21: Highway safety and access

PLP22: Parking

PLP24: Design

PLP28: Drainage

PLP33: Trees

PLP49: Educational and health care needs

PLP52: Protection and improvement of environmental quality

PLP63: New open space.

National Planning Guidance:

6.5 National Planning Policy Framework:

Part 4. Promoting sustainable transport;

Part 6. Delivering a wide choice of high quality homes

Part 7. Requiring 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.

National Planning Practice Guidance –Vacant Building Credit.

**7.0 PUBLIC/LOCAL RESPONSE**

7.1 This application was publicised by site notices, press notice and neighbour letters. Final date for receipt of representation 14/4/17.

7.2. 7 letters of objection have been received, the main points of concern being:

- The land at the rear of the site is protected from development in the Unitary Development Plan.( Response- *the POL allocation is covered by policy D3, but given the lack of a 5 year supply of deliverable housing land, the*

*presumption in the NPPF is in favour of sustainable housing development, as such it would be difficult to sustain a refusal on this basis, and appeal decision have confirmed this).*

- Concern that no details of materials have been provided. Should use natural stone, in accordance with Policy H11 of the Kirklees Unitary Development Plan;(Response: *Conditions regarding the use of natural materials, on the front part of the site adjacent New Hey Road, are recommended*).
- Loss of green space, trees and wildlife (Response- *the trees on this site have been retained as part of the development, and bio diversity enhancement measures are also recommended*).
- Scheme is over intensive and out of character with the area;( Response-*the density is just over 22 per ha, in order to retain the trees which is a modest density less than some of the neighbouring developments*).
- There are already severe traffic problems on New Hey Road, and an additional 26 dwellings and access will make the situation even worse; ( Response- *A transport statement was submitted with this proposal, and amendments to the access have been agreed . The site already has 2 access points for the former pub, and also a parking and delivery area*).
- Local schools and doctors surgeries are oversubscribed;( Response-*An Education contribution is being made on this application that accords with the request from the Education Services. The provision of GP's and health facilities is not a matter for the local planning authority, rather the local health authority*).
- The site should be reused for community benefit, either as a local recreation ground, or revive the pub use;(Response- *the application as applied for has to be determined. The former pub has been vacant for a number of years, and is deteriorating in terms of its state and appearance*).
- This type of housing ie 3 and 4 bed, is not in keeping with this area and will not fulfil housing need.( Response- *There is a variety of housing, and house types in the area ,abutting and opposite the site, including detached and semi-detached properties. There is a shortfall of housing supply in the district, and this scheme will deliver 4 no affordable units towards the identified shortfall in affordable housing in this area.*).

## **8.0 CONSULTATION RESPONSES**

### **8.1 Statutory:**

**KC Highways** - Requested additional information and amendments to the internal layout. This information and the amendments have been provided and no objection is raised subject to the imposition of conditions.

**KC Strategic Drainage** - Have requested clarification regarding the direction of a local stream. This information has been provided

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

**KC Trees** - No objections, recommend conditions and an Arboricultural Method Statement.

**KC Environmental Health** - Recommend conditions covering unexpected remediation; Noise attenuation; and provision of electric charging points

**KC Education Services** - A financial contribution of £64,248 is required in this case. This should be secured by a Section 106 Agreement.

**KC Strategic Housing** - There is a demonstrable need for affordable housing in this area. The Interim Affordable Housing policy required 20% of numbers of units. Affordable Housing should be secured by a Section 106 Agreement

**KC Landscape and Parks** - Express concern at the potential loss of this piece of greenspace, which makes a positive contribution to the character of the area. In the event of an approval Policy H18 is applicable. In this instance an off-site payment to upgrade neighbouring play facilities would be acceptable ie £69,000.

**Police Architectural Liaison Officer**- No objections to this application.

## 9.0 MAIN ISSUES

- Principle of development
- Urban design issues
- Residential amenity
- Highways Issues
- Drainage Issues
- Bio diversity
- Environmental Issues ( Noise, Air Quality and Remediation).
- Crime Prevention
- Representations not covered within the report

## 10.0 APPRAISAL

### Principle of development

- 10.1 The application site comprises a mixture of uses ie a former public house and curtilage, ie a brown field site, and also unallocated on the Unitary Development Plan, and the informal green spaces to the rear allocated as Provisional Open Land on the Unitary Development Plan.
- 10.2 There is no objection in principle to redeveloping the former pub and curtilage for residential use. The site is within a sustainable location and residential is compatible with the neighbouring uses, which include existing houses on New Hey Road, and a housing allocation with the benefit of outline permission on adjacent land.
- 10.3 The greenfield site to the rear is allocated as Provisional Open Land on the UDP and is therefore subject to Policy D5. This site, indeed a larger area of the greenfield land is also indicated as safeguarded land on the Emerging Local Plan which is a policy which carries considerable weight

- 10.6 Given the size of the site, and the number of dwellings involved the council's policies on Affordable Housing, Public Open Space and Education are all relevant.
- 10.7 The scheme provides 26 no dwellings, and in accordance with the Interim Affordable Housing Policy 20% of the units would be required an affordable ie 5. However the site contains the former Spotted Cow PH building, which is now abandoned, and as an existing empty building on a brown field site it qualifies for consideration against the Vacant Building Credit criteria detailed in the National Planning Practice Guidance. In applying the guidance procedure credit for 1 no unit is accepted, and as such the policy compliant level of affordable housing would be 4 units.
- 10.8 An off-site contribution towards improvement of existing open space areas is required ie £69,000, and an Education contribution of £64,248 is also required.
- 10.9 The applicants submitted a viability appraisal with the application, indicating that they believed the delivery of this scheme was unviable with the affordable housing contribution required This appraisal has been independently assessed ( at the expense of the applicant, and the council's independent assessor does not accept this assertion , indicating that the site could deliver the 4 affordable houses, and both the off-site POS and Education contributions and still be viable
- 10.10 The applicants have accepted this, and as such in the event of an approval a Section 106 delivering affordable housing, off site POS and Education contributions will be secured.

#### Urban Design issues

- 10.11 The proposal delivers 26 no dwellings at a density of just over 22 per ha. Given the on-site constraints, particularly the numbers of mature trees, and steep slope to the rear, this is considered to be an efficient use of the land. The surrounding housing is a mixture of house types, with semi-detached to the rear on Deercroft Crescent and the opposite side of New Hey Road, and a tight knit courtyard development immediately to the east of the site around an unmade track. As such it is considered the density is appropriate for this area which enables the retention of the protected trees on the western edge of the site that are an integral part of the character of this area.
- 10.12. The frontage onto New Hey Road includes the retention of the stone boundary wall, and the first plot is set back approx. 10m from the wall, respecting the prevailing building line, with a considerable landscaped area adjacent the protected trees that run along the length of the neighbouring site on the New Hey Road frontage. This approach respects and enhances the character of New Hey Road, which also benefits from the removal of an abandoned and neglected pub building.



- 10.13. The dwellings proposed are a mixture of detached and semi-detached, 2 no storeys in height, which is an appropriate scale. The dwellings on the rear part of the site are to be constructed on excavated development platforms. Given the steepness of the slope and the rear gardens enclosed by a substantial retaining wall this is an appropriate design solution for the site. The ridge height of these dwellings will be a similar height to the rear gardens of properties on Deercroft Crescent. As such the retaining wall will not be visible from New Hey Road and within the site.
- 10.14. The site fronts onto New Hey Road and the surrounding dwellings are predominantly built of stone. As such it is appropriate that the dwellings within the scheme nearest dwellings to New Hey Road and those that are visible from the road are built of natural stone and it is proposed to condition this.

#### Residential Amenity

- 10.15. The internal layout and distances between dwellings and proposed garden areas, is in accordance with the Councils space about building standards, as such the residential amenity and privacy of the new dwellings is safeguarded.
- 10.16. With respect to the relationship to the nearest dwellings,( ie those to the west of the site in particular numbers 398b and 400 New Hey Road, there are no dwellings proposed to the side of no 400, with a distance of over 15 m to the gable of plot 1. No 398b New Hey Road is a detached property with an elevation that face the unmade track and also towards the site. With a small yard area. The nearest new dwelling is plot 26, and this has a gable facing no 398b. As such the privacy of the 2 dwellings and their garden areas can be safeguarded with appropriate fencing and the bulk of the dwelling is not considered to have an adverse effect on the residential amenities of 398b, that could justify a refusal, especially given the siting and bulk of the existing Spotted Cow PH.
- 10.17. The dwellings to the north on Deercroft Crescent are at a considerably higher level than the application site with the garden areas being level or above the ridge heights of the new dwellings
- 10.18. The dwellings proposed nearest to New Hey Road are to be provided with appropriate noise attenuation to protect the future residents from road traffic noise. This noise attenuation will be subject to appropriate conditions.

#### Highway Issues

- 10.19. The proposed residential development of 26no dwellings on land adjacent to Former spotted cow public house would be served off the A640 New Hey Road. The 26 Dwellings are a mixture of 14no 4 bedroom units and 12no 3 bedroom units both detached and semi-detached.

- 10.20 The proposed site access would be located at one existing eastern entrance with the other being stopped up accordingly. This access is directly onto A640 New Hey Road. The current layout on New Hey Road has been redesigned to accommodate the proposed access which includes radii and footways returned into the site and relocation of the existing traffic island.
- 10.21. In terms of the forecast traffic generation on the existing network, detailed in the Transport assessment (BWB consultants) for the development of 26 dwellings has a potential to generate 17 two way movements in the AM peak and 16 two way movements in the PM peak periods.
- 10.22. The proposed internal layout and parking provision (dwg no 1640.01 rev J) is considered acceptable in principle, subject to detailed design including approval of gradients and landscaping (both to be subject to conditions).
- 10.23. There is currently a public right of way (PROW ref HUD/367/10) running adjacent to the north east of the site. Detailed design for its retention will need to be considered along with the proposed retaining wall to support this. Both these will require approval in writing at the detailed design stage and will be subject to conditions.

#### Drainage Issues

- 10.24. The site is within Flood Zone 1 ( ie the area, least likely to flood). Given the site exceeds 1ha, a Flood Risk Assessment has been provided to cover the issue of surface water drainage.
- 10.25. The applicants, in addition to the Flood Risk Assessment have produced a Drainage Strategy that is largely welcomed by the Strategic Drainage. Surface water flood routing throughout the site, can be satisfactorily achieved, but will necessitate a marginal increase in floor levels for plots 2,3 25 and 26 which will be conditioned.
- 10.26. Additional information about the line/ route of the watercourse has been provided and this will inform the drainage solution and eventual discharge rates. Clearly for the brownfield element of the site a reduction in run off rates by at least 30% should be sought.
- 10.27. The details and potential conditions necessary will be reported to the Sub Committee as part of the update, however there is no fundamental issue with the drainage and satisfactory drainage can be appropriately conditioned

#### Bio Diversity

- 10.28 The site itself is of no particular biodiversity value, with a derelict old building and semi improved grassland. The trees on the site and on the neighbouring site, are of value as a bat foraging area, and on the neighbouring site there is a bat roost. The retention of the trees is welcome as that foraging potential is retained. Also given the new dwellings provided on the site it is proposed to condition biodiversity enhancement opportunities for both bat and bird roosts

## Environmental Issues

- 10.29. Noise. The dwellings nearest to New Hey Road will be the subject to road traffic noise and it is proposed to condition the submission of noise attenuation measures for the 4 no dwellings nearest to New Hey Road.
- 10.30. Remediation. The applicants have submitted a Phase 1 Survey with the application, and it is acceptable that the site can be remediated and made fit to receive new residential development. Standard conditions to this effect are recommended.
- 10.31. Air Quality. Given the scale of the development, in accordance with the guidance contained in the West Yorkshire Low Emissions Strategy a condition requiring the provision of electric charging points is recommended.

## Crime Prevention

- 10.32. The Police Architectural Liaison Officer is supportive of this scheme. The layout provides for dedicated parking spaces for each dwelling and logical and defensible areas of space for each dwelling. Recommend robust boundary treatments, particularly those adjacent to the public footpath.
- 10.33. As such it is considered that the proposal satisfies the requirements of Policy BE23, of the UDP (Crime Prevention). And the guidance contained in part 8 of the NPPF "Promoting healthy communities".

## **11.0 CONCLUSION**

- 11.1. The scheme delivers new housing on a part brown field / part green field site. Given the lack of a 5 year housing supply, the presumption within the NPPF is in favour of sustainable housing developments, and this site is considered to be within a sustainable location.
- 11.2. Policy compliant contributions towards affordable housing (following independent viability assessment), POS and Education are all offered and will be secured via a Section 106 Agreement.
- 11.3. The layout, and density are compatible with the area, and the site can be safely accessed from New Hey Road. Other material considerations such as drainage, noise, biodiversity and air quality, are all covered by the imposition of appropriate conditions.
- 11.4. Approval of this scheme subject to a Section 106 and appropriate conditions.

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

1. 3 year time limit for commencing conditions.
2. Development to be in accordance with approved plans.
3. Landscape Scheme and maintenance.
4. Protection of trees during development
5. Sample of materials (stone for some dwellings)
6. Boundary treatments
7. Drainage conditions- in accordance with FRA and Drainage Strategy; run off rates; surface water flood routing; finished floor levels
8. Environmental Health – Noise attenuation; Remediation/ decontamination; and provision of electric charging points
9. Highways conditions; right turn lane; areas to be surfaced and drained; internal adoptable roads ; closure of existing access.
10. Removal of PD rights on some plots, including no new windows or openings
11. Construction Management Plan.
12. Bio diversity enhancement measures

**Background Papers:**

Application and history files.

[http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application\\_number=2017/91173&file\\_reference=634722](http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2017/91173&file_reference=634722)

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