
Report of the Head of Strategic Investment**STRATEGIC PLANNING COMMITTEE****Date: 05-Apr-2018**

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

APPLICANT

Natacha Killin, Keepmoat
Homes Limited

DATE VALID

15-Feb-2018

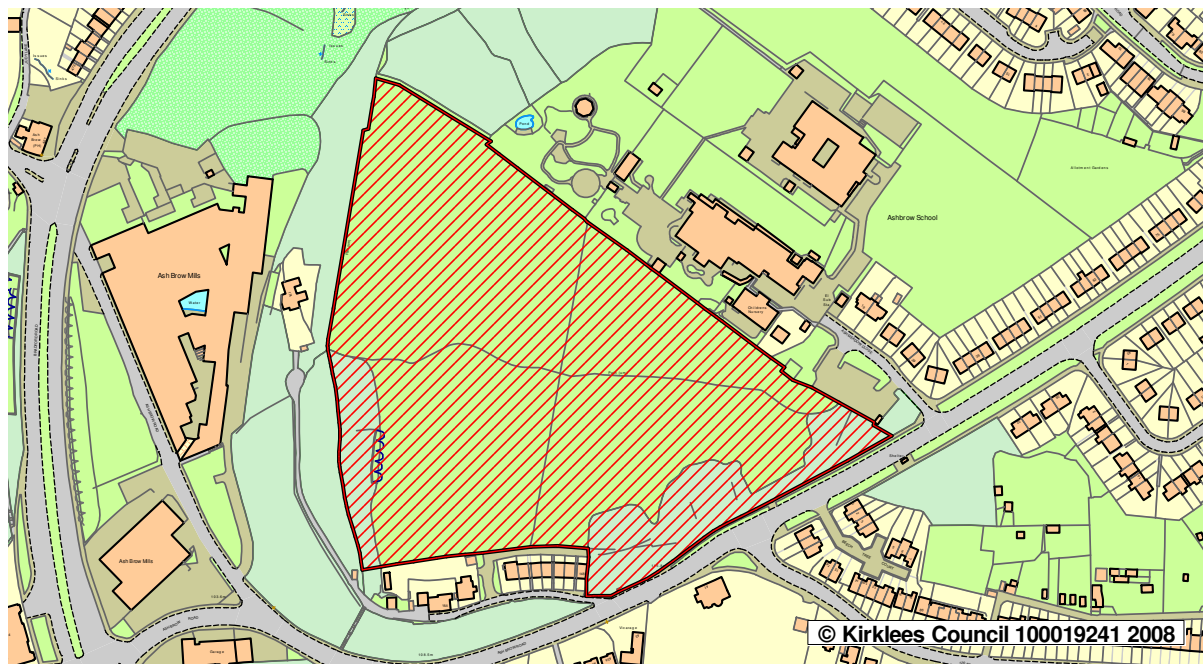
TARGET DATE

12-Apr-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected:☐ 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.
- 1.2 This site is currently owned by the Council. Whilst the applicant are Keepmoat Homes, they have entered into a Development Agreement with the Council. Terms of the Development Agreement include that the extra care facility will be handed to the Council. The Council would then provide the extra care facility for social rent.
- 1.3 The Development Agreement also proposes to provide affordable housing across the site as set out in this officer report.

2.0 SITE AND SURROUNDINGS:

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

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

3.0 PROPOSAL:

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

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/93625 – Outline application for residential development, formation of access – approved.
- 2011/90578 – Extension of time limit to previous permission (2005/92285) for outline application for residential development – approved.

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

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

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

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

5.1 The application has been amended whilst being processed:

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

6.0 PLANNING POLICY:

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

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

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

H1 - Housing Need

H10/12 - Affordable Housing

H18 - Provision of Open Space

BE1/2 - Design and the Built Environment

BE11 - Building Materials – Natural Stone in Rural Area

BE12 - New dwellings providing privacy and open space

BE23 - Crime Prevention Measures

EP10 - Energy Efficiency

EP11 - Landscaping

T1 - Sustainable Transport Strategy

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

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

Kirklees Draft Local Plan Strategies and Policies (2017):

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

6.2 Supplementary Planning Guidance / Documents:

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

National Planning Guidance:

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

7.0 PUBLIC/LOCAL RESPONSE:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Highways – No objection in principle.

8.2 Non-statutory:

Biodiversity Officer – no objection subject to conditions.

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

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

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

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

Yorkshire Water – no comments received.

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

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

Environment Agency – no comments received.

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

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

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

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

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

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

Housing Mix

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

Conclusion on principle

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

Impact on Character of Surrounding Area

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

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

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

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

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

Public Open Space

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

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

Residential Amenity

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

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

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

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

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

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

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

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

Highways

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

Plans and decisions should take account of whether:

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

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

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

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

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

Accessibility

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

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

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

Drainage Issues

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

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

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

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

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

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

Biodiversity

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

Planning Obligations

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

Other Matters

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

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

11.0 CONCLUSION

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

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

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

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

Background Papers:

Application and history files.

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

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