
Report of the Head of Strategic Investment

STRATEGIC PLANNING COMMITTEE

Date: 05-Apr-2018

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

APPLICANT

D Plant

DATE VALID

05-Feb-2018

TARGET DATE

02-Apr-2018

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral Wards Affected: Ashbrow

No

Ward Members consulted?

RECOMMENDATION

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

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

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

1.0 INTRODUCTION

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

2.0 SITE AND SURROUNDINGS

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

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

3.0 PROPOSAL

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

4.0 RELEVANT PLANNING HISTORY

4.1 Application Site

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

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

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

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

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

The site has no enforcement history.

4.2 Surrounding Area

Ashbrow School

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

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

2009/91401: proposed toilet extension – Conditional Full Permission

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

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

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

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

2012/93737: Erection of extensions – Conditional Full Permission

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

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

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

Land to the west of Ashbrow Infant and Nursery School

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

5.0 HISTORY OF NEGOTIATIONS

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

6.0 PLANNING POLICY

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

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

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

6.4 Kirklees Unitary Development Plan (UDP) Saved Policies 2007

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

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

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

6.6 National Planning Guidance

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

7.0 **PUBLIC/LOCAL RESPONSE**

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

7.2 No public representations were received.

8.0 **CONSULTATION RESPONSES**

8.1 Statutory

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

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

8.2 Non-statutory

No non-statutory consultees were required.

9.0 MAIN ISSUES

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

10.0 APPRAISAL

Principle of development

Sustainable Development

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

Land allocation

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

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

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

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

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

Consideration of amenity

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

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

Highway issues

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

Other Matters

Impact on adjacent woodland

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

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

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

Minerals HSE

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

Air Quality

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

Representations

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

11.0 CONCLUSION

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

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

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

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

Background Papers

Application and history files can be accessed at;

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

Certificate of Ownership: Certificate A signed.

