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**Report of the Head of Development and Master Planning****STRATEGIC PLANNING COMMITTEE****Date: 24-Oct-2019**

**Subject: Planning Application 2019/92940 Erection of 161 residential units including a 50 unit extra care facility (all class C3) and public open space Land west of, Ashbrow Infant and Nursery School, Ashbrow Road, Ashbrow, Huddersfield**

**APPLICANT**

Hugh Sterndale-Smith,  
Keepmoat Homes Ltd

**DATE VALID**

09-Sep-2019

**TARGET DATE**

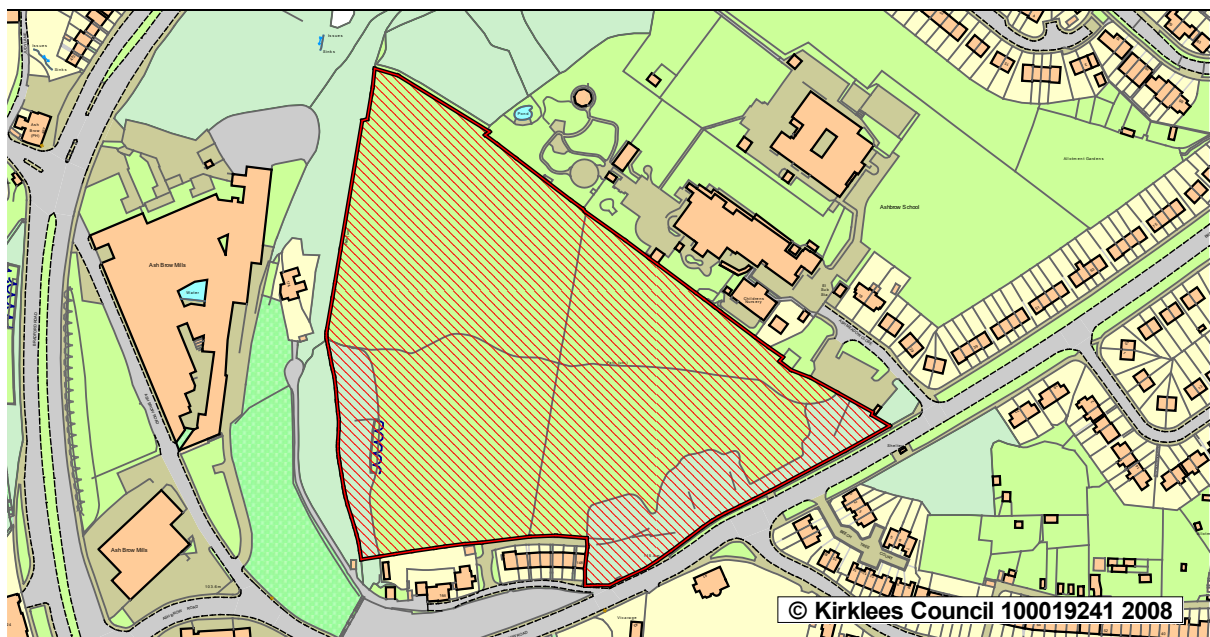
09-Dec-2019

**EXTENSION EXPIRY DATE**

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

**LOCATION PLAN**

**Map not to scale – for identification purposes only**

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**Electoral Wards Affected: Ashbrow**

Yes

Ward Members consulted  
(referred to in report)

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report and to secure a S111 agreement to cover the following matters:

1. Public open space provisions including off-site commuted sum (£84,668) in lieu of equipped play and future maintenance and management responsibility of open space within the site plus £1,000 inspection fee to monitor the provision on site and application of the Play Space contribution;
2. £239,576 towards Education (Ashbrow School and North Huddersfield Trust School);
3. Sustainable Travel Fund contribution of £49,948 (to include Travel Plan monitoring)

In the circumstances where the S111 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Development and Master Planning 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 Development and Master Planning 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 The application is essentially a modification of planning permission 2018/90586 for erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations which was approved on 29<sup>th</sup> June 2018.
- 1.3 Following a detailed review of the original permission the applicant considers that a replan is necessary to enhance the viability of the development and address some technical issues. The changes are summarised below.
  - Addition of a single market dwelling (total of 161 units instead of 160)
  - Relocation of two dwellings from the north west corner of the site to within the area where the central open space is

- Revised layout to plots 28-30 to front the main access road instead of being accessed from a private drive
- Removal of one of the linkages to the public right of way to the west of the site
- House type changes throughout the site, including the addition of new house types
- Minor level changes across the site
- Developed area reduced at the rear of plots 17-19 and 25-27
- Amendments to retaining wall between site entrance and extra care facility

1.4 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 retain ownership of that part of the site and would provide the extra care facility for social rent.

## **2.0 SITE AND SURROUNDINGS:**

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

2.2 Immediately to the east of the site lies Ashbrow Infant and Nursery School. To the north west of the site lies an extensive area of woodland where the land slopes down towards Bradford Road.

2.3 There are a business/manufacturing uses on lower land to the west at Ashbrow Mills. There are terraced properties facing the slopes of the site to the south on Ashbrow Road.

2.4 There are public footpaths around the perimeter of the application site to the south west and west.

## **3.0 PROPOSAL:**

3.1 This is a full application for erection of 161 residential units including a 50 unit extra care facility (all class C3) and public open space.

3.2 Planning permission has previously been approved on the site for a 160 dwelling scheme including 50 unit extra care facility. The developer is seeking permission to make a number of changes to the scheme. The proposed changes are summarised at paragraph 1.3.

3.3 No changes are proposed to the extra care facility.

3.4 The point of access remains as previously approved.

#### **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 2018/92249 – Discharge conditions 7-13, 16-19, 23 and 24 on previous permission 2018/90586 for erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations – Withdrawn

2018/90586 – Erection of 160 residential units, including a 50 unit extra care facility (C3), provision of public open space and engineering operations – Approved (Strategic Planning Committee 10<sup>th</sup> May 2018).

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.

- 4.2 The following application, which relates to land immediately to the south of the application site, is also relevant:

2017/91945 – Erection of dwelling – Approved

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

- 5.1 No negotiations have been undertaken as part of the application however officers have been involved in informal discussions with the applicant prior to the application being submitted. These have informed matters of layout and design.

#### **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 statutory Development Plan for Kirklees is the Local Plan (adopted 27<sup>th</sup> February 2019).

- 6.2 The site is allocated for housing in the Kirklees Local Plan (HS14).

- 6.3 Kirklees Local Plan (2019):

LP3 – Location of New Development

LP7 – Efficient and effective use of land and buildings

LP11 – Housing Mix and Affordable Housing

LP20 – Sustainable Travel

LP21 – Highway safety and access

LP22 – Parking  
LP24 – Design  
LP27 – Flood Risk  
LP28 – Drainage  
LP30 – Biodiversity and Geodiversity  
LP32 – Landscape  
LP48 – Community facilities and services  
LP51 – Protection and improvement of local air quality  
LP52 – Protection and improvement of environmental quality  
LP53 – Contaminated and unstable land  
LP63 – New Open Space  
LP65 – Housing allocations

6.4 Supplementary Planning Guidance / Documents:

Draft Highways Design Guide SPD

6.5 National Planning Guidance:

NPPF Chapter 2 - Achieving sustainable development  
NPPF Chapter 4 - Decision-making  
NPPF Chapter 5 - Delivering a sufficient supply of homes 6.  
NPPF Chapter 8 - Promoting healthy and safe communities  
NPPF Chapter 9 - Promoting sustainable transport  
NPPF Chapter 11 - Making effective use of land  
NPPF Chapter 12 - Achieving well-designed places  
NPPF Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
NPPF Chapter 15 - Conserving and enhancing the natural environment

**7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application has been advertised by neighbour letters, press advert and site notices. The final publicity expires 22<sup>nd</sup> October 2019.

7.2 To date one representation has been received. This is summarised below.

- Trees have already been removed from the site
- Increased footfall along the PROW adjacent to the houses to the south of the site which will impact on security of these existing houses
- Concerned that a PROW adjacent to the site, which runs through woodland and has been impassable for a very long time, is to be opened up. This path has the potential to be a hot spot for untoward activity and a risk area. There seems no reason to open up the PROW as there will be safe access to the main road via the roads within the development.
- There is an old disused shed close to the site that has been used for fly tipping and other illegal activity. Is this going to stay there?
- Concerns with traffic. There are already highway safety issues in this area which the additional traffic from the development will exacerbate
- Increased pollution, noise and inconvenience from the additional traffic
- A beautiful, peaceful area will be destroyed

- 7.3 Any further representations received after the publication of this report will be summarised to members within the written committee update.
- 7.4 Ward councillors have been notified of the application. No comments on the proposals have been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Highways – No objections subject to conditions

KC Lead Local Flood Authority – Comments to be provided

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

KC Environmental Health – No objection subject to conditions

KC Ecology Unit – No objection subject to conditions

KC Tree Officer – No objection

KC Landscape Section – Off-site sum of £84,668 required towards open space.

KC Education – A contribution of £239,576 towards education provision at Ashbrow School and North Huddersfield Trust School is required.

KC Strategic Housing – The development proposes a mixture of 2, 3 and 4 bed dwellings, along with an extra-care facility of 50 units. The affordable housing proposal of 6 x 2 bed dwellings, 7 x 3 bed dwellings and 50 x extra-care units is welcomed and will meet local housing need.

KC Public Rights Of Way – The proposed link path to the existing footpath in the north-west corner of the site should be secured by condition and dedicated as a PROW. No details have been provided for any improvement works to the PROW abutting the western boundary (Hud/382). A condition should be imposed requiring details of an improvement scheme.

Police Architectural Liaison Officer – This site has been well thought out for security and general natural surveillance. Recommend a condition for lighting to be installed at the junction of the proposed link to the existing footpath in the north-west corner of the site. Additional works to the PROW to the west of site required to cut back vegetation and improve lighting. The shared access to Plots 14 and 15 should have a gate. Other general Secured by Design advice provided.

Yorkshire Water – No objections. Proposed drainage scheme acceptable.

Environment Agency – No comments received

West Yorkshire Archaeology Advisory Service – No comments received to date

## **9.0 MAIN ISSUES**

- Principle of development
- Density and housing mix
- Urban design issues
- Residential amenity
- Landscape issues
- Highway issues
- Drainage issues
- Planning obligations
- Ecology
- Tress
- Representations
- Other matters

## **10.0 APPRAISAL**

### Principle of development

- 10.1 The site is allocated for housing in the Kirklees Local Plan (HS14) and has an extant planning permission for 160 dwellings including a 50 bed extra care facility. The principle of the proposed development is therefore accepted in accordance with the allocation and the extant permission.
- 10.2 The approved and proposed schemes are very similar. The current application essentially seeks to make some modifications to the development and the main issue to consider is the impact of these proposed changes. It is also necessary to consider whether there has been any material change in circumstances since the previous application was determined.
- 10.3 The proposed changes do not involve the extra care facility that is to be owned and operated by the Council.
- 10.4 The main changes are summarised below.
- One additional dwelling (161 instead of 160)
  - Two dwellings moved from the north-west corner of the site to within the site. This has reduced the size of the central area of open space.
  - Plots 28-30 to front the main access road instead of being accessed from a private drive. As a consequence a footpath connection is no longer provided.
  - House type and minor level changes across the site
  - Undeveloped area of land provided to rear of plots 17-19 and 25-27 instead of gardens

### Density and housing mix

- 10.5 The density of the development has been marginally increased in comparison to the previous scheme as a result of the additional market dwelling. The overall density of the development slightly exceeds the Council's minimum target density of 35 dwellings per hectare as set out under Policy LP7 of the Local Plan and the development therefore represents an efficient use of land.
- 10.6 The scheme provides a mixture of dwelling types. There are 111 dwellinghouses predominantly comprising of semi-detached properties plus a small proportion of detached and terraced houses. Within this there are 13 affordable houses located in three small clusters across the site; the affordable houses encompass all three property types (detached, semi-detached and terraced).
- 10.7 In addition, there is a 50 bed extra care facility which would be for social rent and operated by the Council. 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.
- 10.8 The proposal therefore delivers a varied housing mix and the proposal accords with Policy LP11 of the Local Plan in this regard.

### Urban Design issues

- 10.9 The proposed development now includes some new house types. The additional house types are generally in keeping with the approved scheme. Some of the new house types introduce dormer windows and/or bay windows to the front elevations but these are considered to be acceptable design features in the context of the development.
- 10.10 The broad layout of the development remains as per the previous permission and as such there would not be any significantly greater impact on the character and visual amenity of the surrounding area. There are some proposed changes to the finished floor levels of a proportion of the dwellings but these are all relatively minor and would not result in any significant visual impact over and above the approved scheme.
- 10.11 There is a relatively minor change to the specification of some of the proposed facing materials although the fundamental appearance of the development would not be significantly altered. Facing materials are artificial stone and yellow brick for the walling with grey concrete tiles to the roofs. These materials are considered to be acceptable.

### Residential Amenity

- 10.12 There is a row of residential development immediately to the south which is set down from the application site. There is also a single dwelling that lies towards the west of the site.



- 10.13 In terms of the houses to the south, the proposed development maintains the same separation distances to 148-162 Ashbrow Road in comparison to the previous scheme. It is however proposed to change some of the house types closest to these existing properties, namely Plots 2-7. The proposed house types for these plots have a greater overall height than the approved scheme although the increase in height is less than 1m and officers are satisfied that the development would not result in any significantly greater impact than the approved scheme in this regard.
- 10.14 Plots 13-16 are slightly closer to the southern boundary and some of the house types have altered although the separation distance between these plots and the garden of 162 Ashbrow Road and 164 Ashbrow Road remains sufficient to prevent any significant undue impacts. It is to be noted that there is a planning permission for a single dwelling within the garden of 162 Ashbrow Road and development on the application site was taken into account when that application for the single dwelling was considered. The proposed changes do not materially alter the previous assessment.
- 10.15 174 Ashbrow Road lies to the west of the site. The proposed changes to the scheme have been assessed in relation to this dwelling and officers are satisfied that the development would not result in any materially greater impact on this property over and above the approved development.
- 10.16 Separation distances between new dwelling and new dwelling within the site are considered acceptable.

#### Landscape issues

- 10.17 The layout includes an area of open space within the middle of the site. The size of this area has been reduced to accommodate a pair of semi-detached dwellings that have been relocated from the north-west corner of the site. The relocation has come about to facilitate the drainage attenuation in this part of the site. On balance the reduction in the size of the central area of open space is considered to be acceptable given that it is necessitated by a technical issue and taking into account the challenges to the viability and deliverability of the development which have led to this application submission. It is to be noted that the removal of the pair of semi-detached dwellings in the north-west corner has increased the open space in this area, albeit this part of the site will form an area of sloping land.
- 10.18 The development is to provide an off-site contribution for open space provision. The figure will be provided to Members within the written committee update.

#### Highway issues

- 10.19 The site is located north of Ashbrow Road/Bradley Boulevard at Sheepridge, approximately 3 miles north of Huddersfield town centre. The site is located west of Ashbrow Junior School and east of industrial use buildings.
- 10.20 In the vicinity of the site Ashbrow Road/Bradley Boulevard is approximately 9 m wide, with 1.8 m wide footways to the either flank. The road is subject to a 30mph speed limit, with street lighting to appropriate standards.

- 10.21 The submitted Transport Assessment Addendum (ref SC/17446/TN03) assesses the traffic impact of a development the forecast of circa 49 two way vehicle movements in the AM and PM respectively. The assessment has undertaken an interrogation of the TRICS database in order to derive trip rates. Highways Development Management considers the trip rates utilised to be acceptable. Prior technical approval has been sought with the Councils section 38 section, there are a number of outstanding technical issues still ongoing, it is considered that these are dealt with appropriately via suitable conditions.

#### Drainage issues

- 10.22 It is proposed to drain the upper part of the site via an outfall to a watercourse which lies to the north- west with an attenuation tank 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 before reaching the sewer. The drainage strategy is the same as the previous application which was considered acceptable to Kirklees Lead Local Flood Authority (LLFA). Up-to-date comments have been sought from the LLFA and will be reported to Members within the written committee update.
- 10.23 The submitted drainage information is considered acceptable to Yorkshire Water.

#### Planning obligations

- 10.24 Public open space provisions are to be secured in accordance with LP63 of the Local Plan. These include future maintenance and management responsibility of open space within the site and an off-site commuted sum in lieu of equipped play provision. The commuted sum is £84,668.
- 10.25 There is a separate Development Agreement between the applicant and the Council to secure 13 affordable houses within the development plus the proposed care facility which comprises a total of 50 units (one and two bed). This represents 39% of the total number of units which is significantly above the local policy requirement of 20%. The 13 affordable houses are 'pepper potted' within three separate clusters; this is in line with the previous permission.
- 10.26 An education contribution of £239,576 is required. This is to be split between Ashbrow School and North Huddersfield Trust School.
- 10.27 The West Yorkshire Combined Authority (WYCA) have recommended that a financial contribution is secured to provide a residential Metro Card scheme in order to encourage the use of sustainable transport. The cost of a full scheme has been indicated as £55,550.
- 10.28 A contribution towards monitoring of the submitted Travel Plan has been recommended by Highways Development Management. This equates to £10,000 over 5 years (£2,000 per annum).

- 10.29 Contributions towards sustainable travel measures were not secured under the previous application. Nevertheless, having compared the total financial contributions under the previous application against the financial contributions required for the current application there is a difference of £49,948 in favour of the current scheme. This is because the education and open space contributions are now less than those that were required last time around. As a result there is in effect a surplus within the s106 'pot' which can be used to deliver a Sustainable Travel Fund. This can therefore be achieved without prejudicing the overall viability and deliverability of the scheme, which officers are aware is finely balanced. The applicant has confirmed that the high abnormal costs together with anticipated open market sales revenues mean that the developer cannot viably afford to make any further planning contributions beyond those agreed under the previous application.
- 10.30 The Sustainable Travel Fund can be used to provide the required Travel Plan monitoring and potentially improvements within the vicinity of the site to promote sustainable forms of travel and/or the provision of Metro Cards for future residents.

#### Ecology

- 10.31 Updated ecological information has been submitted with the application. This has been assessed by the Council's Ecology Unit and has been found to be acceptable subject to conditions.

#### Trees

- 10.32 There are protected trees to the site frontage. The proposals have been assessed by the arboricultural officer and no objections have been raised. The applicant has however been asked to clarify a discrepancy between site layout plan and arboricultural impact assessment plan and an update on this will be provided to Members within the written committee update.

#### Representations

- 10.33 One representation has been received to date. A response to the points raised is provided below.

- Trees have already been removed from the site

**Officer response:** Provided the trees were not protected there is nothing to prevent their removal. It is to be noted that some removal of protected trees has been approved on the site frontage and protected tree removal also forms part of this application.

- Increased footfall along the PROW adjacent to the houses to the south of the site which will impact on security of these existing houses

**Officer response:** This is an established PROW which members of the public have a right to pass and repass over. The proposal does not alter the current situation. There is likely to be some additional footfall given its proximity to the development but security concerns are not a material planning consideration in this context.

- Concerned that a PROW adjacent to the site, which runs through woodland and has been impassable for a very long time, is to be opened up. This path has the potential to be a hot spot for untoward activity and a risk area. There seems no reason to open up the PROW as there will be safe access to the main road via the roads within the development.

**Officer response:** Improvements to this PROW represent a planning gain and enhance the sustainability and accessibility of the development. The PROW officer has recommended that improvements are secured by condition.

- There is an old disused shed close to the site that has been used for fly tipping and other illegal activity. Is this going to stay there?

**Officer response:** The shed is not within the site and is therefore unaffected by the proposed development. Such concerns would need to be addressed outside of this planning application.

- Concerns with traffic. There are already highway safety issues in this area which the additional traffic from the development will exacerbate

**Officer response:** There is already an approval for a 160 dwelling scheme and Highways Development Management consider the current application for 161 dwellings to be acceptable.

- Increased pollution, noise and inconvenience from the additional traffic

**Officer response:** Such impacts would not be materially increased over and above the extant permission.

- A beautiful, peaceful area will be destroyed

**Officer response:** The site is allocated for housing in the Local Plan and there is already an extant planning permission on the land.

#### Other Matters

- 10.34 Environmental Health have considered the submitted information and raise no objections subject to conditions relating to contaminated land, a noise report, details of the external lighting scheme, electric vehicle recharging points and a construction environmental management plan.
- 10.35 The Public Rights of Way officer has sought some improvements to the PROW that runs along the western boundary of the site (Hud/382). This would involve cutting back existing vegetation, lighting and possibly surfacing works. This can be secured by condition. Such works would enhance the sustainability and accessibility of the development and would help to mitigate the removal of one of the approved footpath links that formed part of the previous scheme.
- 10.36 A footpath link is retained in the north-west corner of the site. This is to be secured by condition and is to be dedicated as a PROW. A scheme for lighting along the proposed link and at the junction with the existing PROW is recommended, in line with comments from the Police Architectural Liaison Officer.
- 10.37 The Police Architectural Liaison Officer has also recommended that the shared access to Plots 14 and 15 should have a gate. This can be secured by condition.
- 10.38 The development does not give rise to any materially greater climate change implications over and above the previous permission.

- 10.39 The applicant has previously carried out archaeological survey work on the site which has been found to be acceptable to West Yorkshire Archaeology Advisory Service (WYAAS) under discharge of condition application 2018/92249. The information has been resubmitted with the current planning application and comments from WYAAS have been sought for completeness.

## **11.0 CONCLUSION**

- 11.1 The principle of the development has already been established by a previous planning permission and the application accords with the land's designation in the Local Plan.
- 11.2 The previous and approved schemes are similar in their scale and nature and the proposed changes do not give rise to any materially greater impacts over and above the extant permission in relation to residential amenity, visual amenity and highway safety matters.
- 11.3 The proposal represents an efficient use of land and will deliver significant housing benefits, with 39% of the units being affordable and including an extra care facility which will meet a specific housing need.
- 11.4 The scheme also delivers off-site open space and education contributions as well as a fund towards sustainable travel measures.
- 11.5 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.
- 11.6 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. Time limit - 3 years
2. Development in accordance with approved plans
3. Phasing plan
4. Ecological enhancement and management plans
5. Construction management plan
6. Contaminated land conditions
7. Electric charging points
8. Noise report and mitigation
9. Details of junction and associated highway works
10. Details of internal adoptable estate roads
11. Design and construction of retaining walls
12. Detailed drainage design

13. Separate systems of surface water and foul drainage
14. Temporary drainage
15. Gate between plots 14 and 15
16. Scheme for PROW improvement works including lighting at junction of new footpath link and dedication of link as a PROW
17. External lighting scheme for amenity and biodiversity
18. Construction environmental management plan.

**Background Papers:**

Application and history files.

Website link:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92940>

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