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Report of the Head of Strategic Investment

HUDDERSFIELD PLANNING SUB-COMMITTEE

Date: 01-Nov-2018

Subject: Planning Application 2018/92378 Outline application for erection of residential development Oakmead, 1c Lidget Street, Lindley, Huddersfield, HD3 3JB

APPLICANT

Mr Davy, KEJ LLP

DATE VALID

TARGET DATE

EXTENSION EXPIRY DATE

23-Jul-2018

22-Oct-2018

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: Lindley	
Yes Ward Member	rs consulted

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.

1.0 INTRODUCTION:

- 1.1 This is an outline planning application, with all matters reserved, for residential development.
- 1.2 The application is presented to the Huddersfield Sub-Committee as the site is larger than 0.5 hectares in size.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 0.78 hectares in size and is relatively flat. The site is accessed from Lidget Street.
- 2.2 The site has been cleared and no buildings currently exist within the site's boundaries. The site is partly hard surfaced, and partly overgrown. Tree Preservation Orders protect several trees along the western edge of the site and along the site's vehicular entrance.
- 2.3 The site is not within a conservation area, however there are several listed buildings to the east of the site, including the Grade II listed St. Stephen's church.
- 2.4 Surrounding buildings are in residential, religious and commercial use. There are allotments immediately to the south of the site.
- 2.5 A public footpath named Field Tops (HUD/365/10) runs along the site's west boundary, connecting Plover Road with St. Stephen's Fold.

3.0 PROPOSAL:

3.1 The application is submitted in outline and the applicant seeks permission for the principle of residential development. All matters (access, scale, layout, appearance and landscaping) are reserved.

3.2 No indicative site layout plan has been submitted, nor has an indicative number of units been suggested by the applicant. The indicative access is from Lidget Street, partly shared with the commercial development to the north and 1b Lidget Street.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2014/90919 The council determined on 04/07/2014 that prior approval was not required for the demolition of a building.
- 4.2 2014/93632 Outline planning permission for residential development granted on 20/04/2015.
- 4.3 The adjacent site to the north (Fieldhead, now Manor House, Lindley) has recently been developed to provide a wedding venue, restaurant, bar, visitor accommodation, community venue and car parking following the approval of planning permissions and listed building consents (refs: 2014/93326, 2014/93327, 2016/93797 and 2016/93798) in 2015 and 2017.

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

5.1 None necessary.

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 48 of the National Planning Policy Framework (2018). 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 (2018), 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.

Kirklees Unitary Development Plan (UDP) Saved Policies 2007:

- 6.2 The site is unallocated in the UDP.
- 6.3 Relevant policies are:

G4 – High standard of design

G5 – Equality of opportunity

G6 – Land contamination

D2 – Land without annotation

NE9 – Tree retention

BE1 - Design principles

BE2 - Quality of design

BE11 – Building materials

BE12 – Space about buildings

BE21 - Open space accessibility

BE22 – Accessible parking

BE23 – Crime prevention

EP4 – Noise sensitive development

EP10 – Energy efficiency

EP11 – Landscaping and ecology

EP30 – Prolonged construction work

T1 – Transport priorities

T2 – Highway improvements

T10 - Highway safety

T14 - Pedestrian safety

T16 - Pedestrian routes

T17 - Cycling

T19 - Parking standards

H1 – Housing needs

H10 – Affordable housing

H12 – Affordable housing arrangements

H₁₈ – Open space provision

R6 – Public open space

R13 – Rights of way

Kirklees Draft Local Plan Strategies and Policies (2017):

- 6.4 The site is allocated for housing in the emerging Local Plan (allocation ref: H1694).
- 6.5 Relevant policies are:

PLP1 – Presumption in favour of sustainable development

PLP2 - Place shaping

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

PLP33 - Trees

PLP35 - Historic environment

PLP47 – Healthy, active and safe lifestyles

PLP51 - Protection and improvement of local air quality

PLP52 – Protection and improvement of environmental quality

PLP53 - Contaminated and unstable land

PLP63 - New open space

Supplementary Planning Guidance / Documents:

- 6.6 Relevant guidance and documents are:
 - 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)

National Planning Policy and Guidance:

- 6.7 The National Planning Policy Framework (2018) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:
 - Chapter 2 Achieving sustainable development
 - Chapter 5 Delivering a sufficient supply of homes
 - Chapter 8 Promoting healthy and safe communities
 - Chapter 9 Promoting sustainable transport
 - Chapter 11 Making effective use of land
 - Chapter 12 Achieving well-designed places
 - Chapter 14 Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 Conserving and enhancing the natural environment
 - Chapter 16 Conserving and enhancing the historic environment
- 6.8 Since March 2014 Planning Practice Guidance for England has been published online.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised via two site notices, a press notice, and letters delivered to addresses abutting the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 29/08/2018.
- 7.2 No representations were received from occupants of adjacent properties.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory:**

KC Conservation and Design – Principle of residential development is accepted. Site formed part of the grounds of Fieldhead (Grade II listed), and there are other listed buildings nearby. At reserved matters stage, a heritage impact assessment will be required, assessing impacts on the settings of listed buildings, and on views towards the site from the church grounds, the adjacent footpath, from the steps of Lindley Clock Tower, and from Fieldhead and the coach house. Other views may also need to be considered, depending on the scale of the development.

<u>KC Highways</u> – No objection, subject to access and layout being made up to an adoptable standard. Pedestrian link to paths 365 and 475 should be considered. Condition recommended, requiring details of layout and other matters relevant to highways.

KC Strategic Drainage – Objection due to the lack of a drainage strategy. Infiltration as a method of disposal of surface water is likely to be possible, however initial testing is required. No known watercourses in the site's immediate vicinity. Public combined sewers surround the site. If infiltration is ruled out, greenfield run-off rates to public sewers should be considered instead of a brownfield 30% reduction of peak flows. Site has no main river flood risk, however flood risk maps show some ponding at the site - this will need to be analysed against an existing topographical survey. Removal of this water (to ensure that new dwellings are not placed in localised basins) should be assessed. General flood routing, blockage scenarios, and exceedance events should be considered. Overland flows should utilise roads and open space as conduits, avoiding curtilages where possible. The council as local planning authority must ensure maintenance and management of sustainable drainage solutions for the lifetime of the development, and a management company set up under a S106 agreement needs to perform duties until such time as the sustainable drainage solutions are adopted by a statutory undertaker. Safety should be at the forefront of sustainable drainage design method statement. A temporary drainage plan is required to minimise the risk of sediment entering local drainage networks during the construction phase (this can be conditioned).

Yorkshire Water – Recommend conditions (if planning permission is granted) in order to protect the local aquatic environment and Yorkshire Water infrastructure. Developer must provide evidence to demonstrate that surface water via infiltration or watercourse is not reasonably practical before considering disposal to the public sewer. As a last resort, if other methods of disposal are rejected based on evidence, surface water may discharge to the public combined sewer, but must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. Developer will be required to provide evidence of existing positive drainage to a public sewer from the site. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted. Public sewer is for domestic sewage, and land and highway drainage have no right of connection to the public sewer network. Highway drainage may be accepted under certain circumstances – this will require a S115 agreement. No land drainage shall be connected to or shall drain to the public sewer.

8.2 **Non-statutory:**

KC Ecology – A Preliminary Ecological Appraisal Report (PEAR) is not normally sufficient to support a planning application, however as this is an outline application for the principle of residential development only (with no proposed number of units or layout submitted), the PEAR is sufficient at this stage and necessary further survey work can be conditioned. The PEAR indicates the need for additional survey work (which would need to inform a future layout), and recommends impact avoidance and mitigation measures (which should be incorporated into the layout). Other mitigation measures are recommended to be implemented during construction. A net biodiversity gain has not been demonstrated, however no layout has been proposed at this stage, and there

is scope to provide a net gain through future proposals. There is potential for development of the site to result in significant ecological impacts, however there is no objection to the application subject to a condition requiring an ecological design strategy and landscaping details at reserved matters stage, and a construction environmental management plan.

KC Environmental Health – Conditions recommended regarding site contamination. Concern regarding potential impact of noise from Manor House – condition recommended requiring noise report and mitigation. With reference to the West Yorkshire Air Quality and Emissions Technical Planning Guidance, if the proposal falls within the medium sized development category a Travel Plan and electric vehicle charging points would be required. If the proposal falls within the major size development category, an air quality assessment would be required. Informative recommended regarding construction noise.

KC Landscape – Application site is over 0.4 hectares in size and meets the trigger for Public Open Space at 30sqm per dwelling, within which there should be a Local Area of Plan. Site is within proximity of existing provision at Daisy Lea Lane Recreation Ground, Blackthorn Drive and Fern Lea Recreation Ground, and off-site lump sum contribution is recommended. The location for spending any off-site lump sum would be assessed at reserved matters stage and would involve consultation with Members. The lump sum calculations would take account of any on-site provision, should any be included. Landscaped strips, highway verges etc would not be counted as usable POS or amenity space. POS will require natural surveillance. Street tree planting will be expected. Bin storage locations will need to be confirmed. Future layout should avoid the need for refuse vehicles to reverse. Further advice provided regarding tree planting, landscaping, lighting and bin storage.

<u>KC Public Rights of Way</u> – Connection to adjacent footpath (365) would be welcomed. Footpath must not be interfered with or obstructed prior to or during development works.

KC Trees – No objection to the principle of residential development at this site.

9.0 MAIN ISSUES

- Principle of development
- Design and conservation
- Residential amenity
- Highway issues
- Drainage issues
- Ecological considerations
- Trees
- Representations
- Planning obligations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 No indicative proposed site layout plan has been submitted, and approval of a specific number of residential units is not sought.

- 10.2 The site is unallocated in the Kirklees UDP. Policy D2 states that planning permission for development will be granted at this site, provided that the proposals do not prejudice:
 - i) The implementation of proposals in the plan;
 - ii) The avoidance of over-development;
 - iii) The conservation of energy;
 - iv) Highway safety;
 - v) Residential amenity;
 - vi) Visual amenity;
 - vii) The character of the surroundings:
 - viii) Wildlife interests; and
 - ix) The efficient operation of existing and planned infrastructure.
- 10.3 It is considered that no aspect of the outline proposal for this site would be in breach of the nine criteria specified under policy D2. A future detailed proposal at reserved matters stage would need to be considered again against policy D2 (if a reserved matters application is considered prior to the adoption of the Local Plan), however the current outline proposal for residential development at this site is not inherently and unavoidably in breach of policy D2.
- 10.4 The site is allocated for residential development in the emerging Local Plan (ref: H1694). Text supporting the proposed site allocation does not highlight any planning considerations that would need to be addressed at outline stage.
- 10.5 Outline planning permission for residential development at this site has previously been approved by the council in 2015.
- 10.6 Given the above, it is considered that residential development is acceptable in principle, and outline planning permission can be granted again. Notwithstanding the lack of indicative information, it is considered that the site can be developed for residential use and there is no reason to believe at this stage that the site's constraints and challenges (relating to drainage, open space, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (reserved matters) application stage. Noting that the site is within an existing residential settlement with reasonably good access to public transport and other facilities, noting that this is a previously-developed (brownfield) site, and having regard to paragraph 11 of the NPPF (which sets out a presumption in favour of sustainable development, and which directs local planning authorities to approve proposals that accord with the development plan), it is considered that the principle of residential development at this site should be accepted.
- 10.7 The site's constraints and opportunities would determine what number of units would be possible at reserved matters stage.

Design and conservation

10.8 The site is relatively unconstrained in some respects relevant to design, as it is relatively flat and has no street frontage. The site is, however, in a sensitive location in relation to heritage assets, and is visible from Field Tops (footpath HUD/365/10).

- 10.9 In terms of wider landscape impacts, although the site is partly overgrown it is not a significant landscape feature that heavily influences the character of Lindley. The site is previously-developed land and is surrounded by existing residential and other development, and residential development at this site would not significantly alter the character of the area.
- 10.10 As no indicative proposed site layout plan has been submitted, no further consideration is necessary at this outline stage in relation to townscape, layout, heritage assets, landscaping and other design and conservation matters. However, it can be noted at this stage that consideration of these matters would be necessary at reserved matters stage, that a sensitive layout and design will be required, that particular regard to heritage assets will be necessary (noting the requirement under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act that "special regard" should be had to the desirability of preserving listed buildings or their setting), and that careful consideration of the setting and treatment of the adjacent footpath will be necessary.

Residential amenity

- 10.11 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. It is considered that residential development can be carried out at the site without unacceptably harming the outlook, privacy and natural light currently enjoyed by neighbouring residents. The minimum distances set out under UDP policy BE12 can be achieved.
- 10.12 Residential development at this site can be designed to avoid the introduction of light pollution that would otherwise adversely affect neighbouring amenity and wildlife.
- 10.13 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development that is likely to be acceptable at this site, it is not considered that neighbouring residents to the west would be significantly impacted. The number of vehicle movements along the area's streets would increase, however it is noted that the site's existing vehicular access passes between the adjacent church and the commercial development (Manor House) to the north, and does not pass private dwellings.
- 10.14 The proposed residential use is not inherently incompatible with the existing religious, allotment and residential uses nearby, however Environmental Health officers have expressed concern regarding potential impacts of noise from Manor House, which has recently been developed to provide a wedding venue, restaurant, bar, visitor accommodation and a community venue. That development's car park is located immediately adjacent to the site boundary. Noise from events, boisterous celebrants, and customers moving and accessing their vehicles could adversely affect the amenities of new residents to the south. Noting the requirements of relevant planning policies and the recent introduction of the "agent of change" principle at paragraph 182 of the NPPF, this potential noise impact will need to be factored into any design brought forward at reserved matters stage. At the current outline stage, a condition is recommended, requiring the submission of a noise report which, if necessary, will need to include noise mitigation measures to protect future residents from the impacts of noise.

10.15 With appropriate conditions applied, and subject to detailed consideration at reserved matters stage, there are considered to be no reasons why new dwellings at the application site could not be provided with adequate levels of amenity, including in relation to noise, natural light, privacy and outlook.

Highway issues

- 10.16 UDP policy T10 states that new development will not normally be permitted if it will create or materially add to highways safety problems. Policy PLP21 of the emerging Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Chapter 9 of the NPPF requires the council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.17 Highways Development Management officers have not expressed concern regard the principle of residential development at this site. Detailed consideration of access, layout, number of residential units, vehicle movements and the adequacy of the point of access from Lidget Street (which is shared with Manor House and 1b Lidget Street) in relation to highways safety would be necessary in response to a reserved matters application, however an approval of outline permission would not undermine the need for proper consideration of these matters at that later stage.
- 10.18 A pedestrian connection to the adjacent footpath (Field Tops HUD/365/10) would be expected at reserved matters stage, if levels differences can be resolved and if such a connection can be appropriately designed. Alignment of this connection with footpath HUD/474/20 (which connects HUD/365/10 to Farnlee to the west) would enable the creation of a useful east-west pedestrian connection from Lidget Street to Farnlee and Sandmoor Drive, improving neighbourhood permeability in compliance with UDP policies T16 (which requires new development to make provision for convenient pedestrian routes) and R13 (which promotes the development of new links in the public right of way network).

Drainage issues

- 10.19 The site is within Flood Zone 1, but is less than 1 hectare in size, therefore a site-specific Flood Risk Assessment did not need to be submitted. Text supporting the proposed site allocation (ref: H1694) does not highlight drainage as a constraint that would need addressing before the principle of residential development could be approved at outline stage.
- 10.20 The Lead Local Flood Authority have objected to the application, requiring initial drainage details at outline stage.
- 10.21 It is considered, however, that detailed information regarding drainage and flood risk need not be pursued at this stage, given that a proposed site layout, and details of the number of units and their locations in relation to potential sources of flood risk, would not be fixed should outline permission be granted. Detailed information would, however, be required at reserved matters stage, as would details of flooding routes, permeable surfaces, rainwater harvesting, water butts, and rainwater gardens and ponds, should outline permission be granted.

Ecological considerations

10.22 The application site is in an area where bats are known to be present, and is within an SSSI Impact Risk Zone, however the nature of the proposed development does not trigger a need to consult Natural England in this instance. The site is not subject to any other adopted designations or allocations in relation to ecology, however the site is likely to provide at least some habitat, and the applicant's Preliminary Ecological Appraisal supports this in relation to birds, although no evidence of bat roosts was observed during the applicant's surveys. This report is considered sufficient to determine that it is possible to develop the site for housing while avoiding significant ecological impacts. Furthermore, appropriate ecological enhancement is possible. Further details will be required prior to development commencing, and appropriate conditions have been recommended to ensure the proposed development complies with policy PLP30 of the emerging Local Plan and chapter 15 of the NPPF.

Trees

- 10.23 Tree Preservation Orders 07/14/g4, 07/14/t5, 07/14/t4, 07/14/t3, 07/14/g2, 07/14/g3, 07/14/g1, 07/14/g5, HU1/70/a11, HU1/70/a10 and HU1/70/a9 protect trees within and adjacent to the application site. These trees are located at the site's edges, leaving the larger part of the site available for development without necessitating works to the trees. Notwithstanding this, these trees are a constraint that will need to be accounted for when a proposed layout is brought forward at reserved matters stage. The proposed locations of dwellings would need to ensure that root protection zones are not encroached upon, and that windows and amenity spaces are located to avoid future pressure to fell or prune these trees.
- 10.24 There are considered to be no reasons relating to trees that would prohibit residential development in principle at this site. The outline proposal is considered compliant with UDP policy NE9 and policy PLP33 of the emerging Local Plan.
- 10.25 A full tree survey and arboricultural impact assessment will be required at reserved matters stage to support 'landscape'...

Representations

10.26 No representations have been received from the occupants of adjacent properties.

Planning obligations

10.27 As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. To accord with policy H10 of the UDP, emerging Local Plan policy PLP11 and the Kirklees Interim Affordable Housing Policy, if the council is minded to grant outline permission, a condition can be imposed requiring the provision of affordable housing.

- 10.28 Under policy H18 of the UDP sites of a minimum size of 0.4ha require public open space to be provided on-site. This requirement applies to the application site, given its size of 0.78 hectares. At outline stage, a condition can be imposed requiring the provision of public open space (which may take the form of an off-site lump sum contribution).
- 10.29 An education contribution may be required. This would depend upon the number of units proposed at this site, and the sum would be determined at reserved matters stage. A relevant condition is recommended.
- 10.30 Contribution(s) related to highways impacts may be required. This would depend on the number of units proposed at this site, the related vehicle movements, and any local highways issues that may be relevant at the time a reserved matters application is considered. The provision of Metro cards for residents may be appropriate. The need for such provisions would be determined at reserved matters stage, and a relevant condition is recommended.
- 10.31 S106 provisions relating to drainage maintenance, management and adoption may also be necessary. These matters would be considered further at reserved matters stage.

Other matters

- 10.32 With regard to ground contamination, appropriate conditions have been recommended by officers to ensure compliance with UDP policy G6 policy and PLP53 in the emerging Local Plan.
- 10.33 The proposed development would cause an increase in vehicle movements to and from the site, however air quality is not expected to be significantly affected. To encourage the use of low-emission modes of transport, electric/hybrid vehicle charging points would need to be provided in accordance with relevant guidance on air quality mitigation, draft policies PLP21, PLP24 and PLP51 of the emerging Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance. A Travel Plan, designed to encourage the use of sustainable and low-emission modes of transport, is likely to be required at reserved matters stage.

11.0 CONCLUSION

- 11.1 The site is allocated for housing in the emerging Local Plan, and outline planning permission for residential development at this site has previously been approved. The principle of residential development at this site remains acceptable.
- 11.2 The site is constrained in relation to trees, neighbour amenity, drainage and heritage assets. While these constraints would necessitate careful and detailed consideration at reserved matters stage, none are considered to be prohibitive to the principle of residential development at this site, therefore it is recommended that outline permission be granted.

- 11.3 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.
- 11.4 The proposed development has been assessed against relevant policies in the development plan and other material considerations. It is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) 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. Standard OL cond (submission of reserved matters)
- 2. Standard OL cond (implementation of reserved matters)
- 3. Standard OL cond (reserved matters submission time limit)
- 4. Standard OL cond (reserved matters implementation time limit)
- 5. Details of access, internal roads, visibility and highways works
- 6. Travel plan
- 7. Details of works adjacent to footpath HUD/365/10
- 8. Construction management
- 9. Ecology
- 10. Drainage
- 11. Affordable Housing (if Reserved Matters is for more than 11 dwellings)
- 12. Public Open Space
- 13. Education
- 14. Transport measures
- 15. Noise Report
- 16. Contamination Reports
- 17. Drainage and Yorkshire Water conditions
- 18. Landscaping and ecological design strategy
- 19. Construction environmental management plan

Background Papers:

Application and history files.

http://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f92378

Certificate of Ownership – Certificate B signed, notice served on the owner of 1 Lidget Street.