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**Report of the Head of Planning and Development**

**HUDDERSFIELD PLANNING SUB-COMMITTEE**

**Date: 17-Jun-2021**

**Subject: Planning Application 2021/90887 Outline application for erection of residential development Land west of, Lidget Street, Lindley, Huddersfield, HD3 3JB**

**APPLICANT**

K Davy, KEJ LLP

**DATE VALID**

02-Mar-2021

**TARGET DATE**

01-Jun-2021

**EXTENSION EXPIRY DATE**

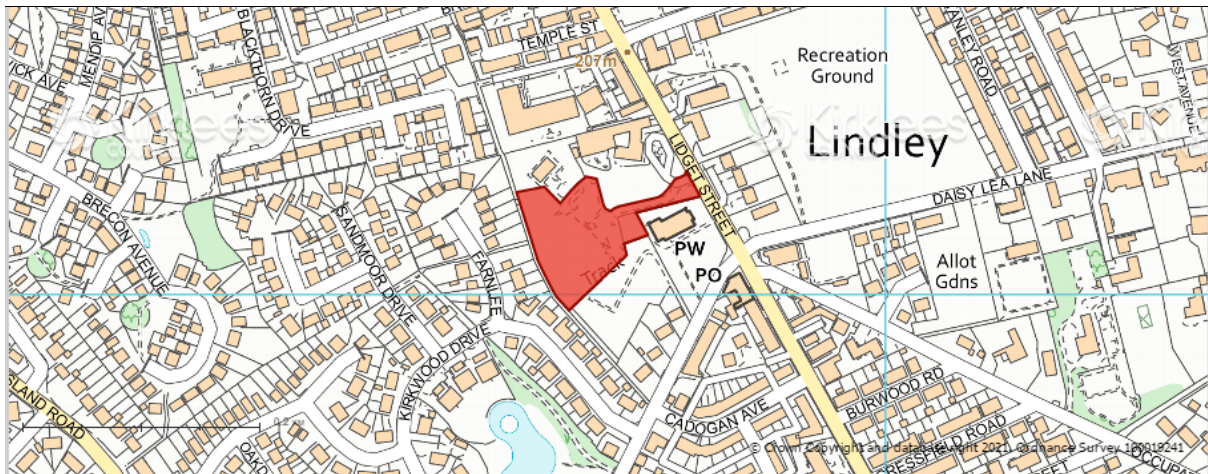
30-Jun-2021

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

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

**LOCATION PLAN**



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

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**Electoral wards affected: Lindley**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete a list of conditions, including those contained within this report, and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 20% of dwellings to be affordable with a preferred split of 55% social or affordable rent to 45% intermediate housing;
- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time and to be spent within the vicinity of the site;
- 3) Education - additional places may be required to be spent on priority admission area schools within the geographical vicinity of this site, with the contribution to be calculated at Reserved Matters stage based upon the numbers of dwellings proposed at that time;
- 4) A contribution to sustainable transport methods, to be determined at Reserved Matters stage based upon the number of dwelling units;
- 5) Biodiversity – Contribution (amount to be confirmed at the Reserved Matters stage) towards off-site measures to achieve biodiversity net gain.
- 6) Arrangements to secure the long-term maintenance and management of on-site public open space and the applicant’s drainage proposals,

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee’s resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**1.0 INTRODUCTION:**

- 1.1 This is an outline planning application for the erection of residential development, with all matters reserved. One indicative access point is shown on the submitted location plan and this is to be taken from Lidget Street.
- 1.2 The application is brought to Huddersfield Planning Sub-Committee for determination in accordance with the Council’s Delegation Agreement as the site exceeds 0.5 hectares in area and is for a residential development comprising of less than 60 dwellings.

## **2.0 SITE AND SURROUNDINGS:**

- 2.1 The application relates to a parcel of land, 0.78 hectares in size, to the west of Lidget Street, Lindley. The site's topography is fairly flat, with access being taken from the north east.
- 2.2 The site has been cleared of previous development and therefore currently appears as unkempt grassland with areas of hardstanding remaining. Tree Preservation Orders protect several trees along the western edge of the site and along the vehicular entrance. The public footpath Field Tops (HUD/365/10) runs along the site's west boundary, connecting Plover Road with St. Stephen's Fold.
- 2.3 Surrounding the site are buildings in residential, commercial and religious uses, along with an allotment facility immediately to the south. There are also several Listed Buildings within close proximity to the site, including St. Stephen's Church and the Manor House Lindley, both of which are Grade II Listed.
- 2.4 The site is a designated housing allocation (ref HS37) in the Kirklees Local Plan, with an indicative capacity of 20 dwellings.

## **3.0 PROPOSAL:**

- 3.1 The planning application is submitted in outline with all matters (access, scale, layout, appearance and landscaping) reserved for subsequent approval. As such, this application seeks permission for the principle of residential development only.
- 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 Woodlands at 1B Lidget Street (a residential institution) and the Manor House (restaurant and hotel) to the north and north east respectively.

## **4.0 RELEVANT PLANNING HISTORY (including enforcement history):**

### At the application site:

- 4.1 The following planning applications are the most relevant to this proposal:
- 4.2 2018/92378 Outline application for erection of residential development – Outline planning permission granted.  
  
2014/93632 Outline application for erection of residential development – Outlined planning permission granted  
  
2014/90919 Prior notification for proposed demolition of building – Demolition details approved.

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

### Kirklees Local Plan (2019):

- 6.2 The site is allocated for residential development in the Local Plan (Site Reference HS37) with an indicative capacity of 20 dwellings.
- 6.3 The following policies are most relevant to the consideration of this application:
- LP1 – Presumption in favour of sustainable development
  - LP2 – Place shaping
  - LP3 – Location of new development
  - LP7 – Efficient and effective use of land and buildings
  - LP11 – Housing mix and affordable housing
  - LP20 – Sustainable travel
  - LP21 – Highways and access
  - LP22 – Parking
  - LP23 – Core walking and cycling network
  - LP24 – Design
  - LP26 – Renewable and low carbon energy
  - LP27 – Flood risk
  - LP28 – Drainage
  - LP30 – Biodiversity and geodiversity
  - LP32 – Landscape
  - LP33 – Trees
  - LP34 – Conserving and enhancing the water environment
  - LP35 - Historic environment
  - LP47- Healthy, active and safe lifestyles
  - LP49 – Educational and healthcare needs
  - LP51 – Protection and improvement of local air quality
  - LP52 – Protection and improvement of environmental quality
  - LP63 – New open space
  - LP65 – Housing allocations

### Supplementary Planning Guidance / Documents:

- 6.4 Relevant guidance and documents are:
- Highways Design Guide Supplementary Planning Document (2019)
  - West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
  - Kirklees Strategic Housing Market Assessment (2016)
  - Kirklees Interim Affordable Housing Policy (2020)

- 6.5 A draft Housebuilder Design Guide SPD and Open Space SPD were published by the Council in 2020 as part of the 'Quality Places' consultation. These have undergone public consultation but have not yet been adopted. However, their content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to them at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.

National Planning Guidance:

- 6.6 The National Planning Policy Framework (2019) 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. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 7 - Requiring good design
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 - Promoting sustainable transport
- Chapter 11 - Conserving and enhancing the natural environment
- 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

- 6.7 The following national guidance and documents are also relevant:
- National Design Guide (2019) - The national design guide sets out the characteristics of well-designed places and demonstrates what good design means in practice. It will be more relevant at Reserved Matters stage having regard to layout, appearance, scale and landscaping.

6.8 Climate change

On 12/11/2019 the Council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target, however it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **7.0 PUBLIC/LOCAL RESPONSE:**

7.1 The application was advertised via four site notices, a press notice, and letters delivered to addresses abutting the application site. As a result of the above publicity, 10 representations have been received, 9 in objection and 1 in support. A summary of the responses are as follows:

### Objections

#### Principle of development

- The proposed site is one of the few green spaces left in Lindley and is believed to be a haven for wildlife
- There are already enough new houses within the area, with schools, health services and amenities already been significantly stretched
- Lindley is already overpopulated and therefore there is no need for any more houses
- Further strain on local resources

#### Highway's safety

- There would be a significant flow of traffic and the narrow access to the site would lead to huge disruption, especially during construction
- The proposal would lead to the congestion of the access
- There are no road markings or one way systems on the existing access
- Concern over the parking of construction vehicles

#### General concerns

- The allotments would be disrupted with noise and pollution
- Impact on the neighbouring commercial sites due to noise, disturbance and visual pollution
- Concern over pollution/smell during the construction phase which may impact nearby commercial businesses
- Without adequate security there is potential for the site to cause anti-social behaviour
- Trees and green space will be lost
- Covid has demonstrated how areas need green space

### Support

- In support of residential here but the density needs to be low so that the quality can be retained, and parking and access is not an issue.
- Consideration needs to be given for boundary treatment so that the area is not negatively impacted

7.2 Local ward councillors have also been notified of the planning application. No formal comments/observations have been received.

## **8.0 CONSULTATION RESPONSES:**

### **8.1 Statutory:**

KC Conservation and Design – No concerns regarding the principle of development, however any future reserved matters application would need to be accompanied by a heritage impact assessment that considers the impact on the nearby heritage assets.

KC Highways DM – Given the previous approvals KC HDM have no objection to the proposal subject to the access and layout being made up to the adoptable standard to serve the proposed development and the children’s home (Woodlands)

KC Lead Local Flood Authority (LFFA) – No objection to this application in principle, however, several drainage conditions would need attaching to the decision notice.

Yorkshire Water – Requested that conditions are attached to the decision notice in the case of an approval, in order to protect the local aquatic environment and Yorkshire Water infrastructure.

## 8.2 **Non-statutory:**

KC Ecology – No objections in principle provided that conditions are attached to the decision notice to include the submission of an Ecological Impact Assessment, a biodiversity enhancement management plan (BEMP), a Construction Environmental Management Plan (CEMP: Biodiversity) and an invasive species management plan.

KC Education – Awaiting formal comments which will be reported to members in the update.

KC Environmental Health – No objections subject to land contamination conditions being attached to the decision notice.

KC Public Rights of Way – No formal comments have been sought, however, it has been noted that the PROW team did not raise any objection as part of the 2018 application. As such, the previous comments will be reiterated as part of this permission. In this instance, a connection to the adjacent footpath (365) would be welcomed. Furthermore, the 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. However, any future reserved matters application would need to be submitted with a tree survey, impact assessment and an arboricultural method statement to provide tree protection and mitigation measures.

KC Crime Prevention – In support of the principle of development. Additional comments have also been provided to the agent in order to design out crime. These details should be taken into consideration as part of any future reserved matters application.

KC Waste Strategy – No objections in principle, however further guidance has been provided in respect of water storage and collection arrangements.

## 9.0 **MAIN ISSUES**

- Principle of development
- Sustainability and climate change
- Urban design and heritage
- Residential amenity and quality
- Highway issues
- Flood risk and drainage issues

- Landscape, trees and ecology
- Ground conditions
- Environmental and public health
- Representations
- Planning Obligations
- Other matters
- Conclusion

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.
- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The planning application site forms part of a site allocation for housing development, Local Plan ID: HS37, to which full weight can be given. The following site constraints have been identified as part of this site allocation:
  - Site close to Listed Buildings
  - Part of this site contains habitats of principal importance.
  - It is also noted that the site allocation box notes that the developable area is reduced to 0.58Ha as part of the site is within a UK BAP priority habitat (Bio-diversity Action Plan)
- 10.4 The Local Plan identifies that the site has an indicative capacity of 20 dwellings. This would make a reasonable contribution to meeting the housing delivery targets of the Local Plan and result in development that accords with the spatial development strategy.
- 10.5 Given the above, it is considered that residential development remains acceptable in principle. 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 the nearby listed buildings, commercial uses, biodiversity, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (reserved matters) application stage. The site's constraints and opportunities would determine what number of units would be possible at reserved matters stage.

### Sustainability and climate change

- 10.6 An assessment of the proposal's impact on climate change is limited given that it is an outline application with all matters except access reserved for future consideration. It is appreciated that the construction of new buildings has a footprint in terms of CO<sub>2</sub> emissions. However, at this stage, no information in respect of the form of construction has been provided as these are detailed matters that would be assessed as part of any future Reserved Matters submission. At that point, consideration could be given to the life cycle of building materials and whether it could be specified through the development contract that materials have a low embodied impact.



- 10.7 Energy efficiency would also be considered at the reserved matters stage. It is likely that as a minimum, a fabric-first approach would be adopted for the development. This would mean ensuring minimal heat loss through fabric, thermal bridging and air infiltration. Other measures might include low energy lighting, water efficient fittings such as flow restrictors and water efficient appliances to minimise water consumption. Furthermore, measures to encourage future residents of the proposed development to use sustainable modes of transport could be secured through measures set out in a Travel Plan. This could also include adequate provision for cyclists (cycle storage for residents) and electric vehicle charging points to be secured within a detailed scheme for the site.
- 10.8 The application site is a sustainable location for residential development, as it is relatively accessible and is at the edge of Lindley District Centre. Lindley is well served by public transport with frequent bus services providing access to Huddersfield town centre and its surrounding areas. As such many of the daily, social and community needs of residents of the proposed development could be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.9 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

#### Urban Design and Heritage

- 10.10 This outline planning permission seeks approval of the principle of development, and does not include matters of access, appearance, landscaping, layout and scale. As such, if outline approval was obtained these matters would be determined at the reserved matters stage.
- 10.11 In this instance, due to the lay of the land, officers consider the site to be relatively unconstrained as it is fairly flat, with no street frontage. The site is however, in a sensitive location in relation to heritage assets and it would be readily visible from Field Tops (footpath HUD/365/10).
- 10.12 Given the proximity of designated heritage assets, the general 'duty' set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 has been considered. This states the Local Planning Authority should have special regard to the desirability of preserving the building or its setting, including any features of special architectural or historic interest which it benefits from in the assessment of planning applications.
- 10.13 This approach is reiterated in the NPPF, which also sets out how Local Planning Authorities are to determine planning applications that impact upon Listed Buildings. At paragraph 190 it states how LPAs are to identify and assess the significance of any heritage asset that may be affected by a proposal, which should be taken into account when considering the impacts upon this asset. This is expanded in Policy LP35.

- 10.14 Historically the proposed development site formed part of the grounds of Fieldhead, (now the Manor House) a mid-19th century residence in Lindley, which is Grade II Listed. In the late nineteenth and early twentieth century it was the home of James Nield Sykes, a local mill owner and patron and father-in-law of the architect Edgar Wood. Sykes significantly enlarged the grounds of Fieldhead to west and constructed a bridge across Field Tops lane, to connect his landholdings. There is an early 19th century Coach house to the northwest of Fieldhead, which is also Grade II Listed. Immediately to the east of the site is the Grade II Listed St Stephen's Church, designed by John Oates of Halifax. Further to the east is Lindley Clock Tower, which is Grade I listed. It was commissioned by Sykes and designed by Wood.
- 10.15 The site is allocated for housing in the Local Plan and the principle of development for that use is accepted. However, the impact of the proposed development on the setting of adjacent heritage assets cannot be determined on the basis of the information provided in this application. As part of a reserved matters application, and in order to inform the layout, scale and appearance of the development in particular, a heritage impact assessment would be required to include an assessment of the impact of any proposal on the setting of Fieldhead, Fieldhead Coachhouse (Manor House Lindley), St Stephen's Church and Lindley Clock Tower. This would need to include an assessment of the impact on views towards and across the site from a variety of viewpoints, depending on the scale of the development.
- 10.16 With respect to the general design advice contained within Chapter 12 of the NPPF, it is stated that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings. Policy LP24 of the Local Plan also sets out a series of design considerations and requires, amongst other matters, that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 10.17 In this instance, given that the site is relatively concealed, it is considered that it is not a significant landscape feature that heavily influences the character of Lindley. The site also appears to be overgrown, with areas of hardstanding in which would have been used to serve its former use. Nonetheless, it is surrounded by existing built form to all but the southern boundary.
- 10.18 Given that the application is for outline permission with all matters reserved, no indicative site layout plans have been received. As such, considerations include the relation to townscape, layout, heritage assets, landscaping and other design and conservation matters, would all need to be considered as part of a future reserved matters application.
- 10.19 Notwithstanding the above, it has been noted that the common construction material appears to be stone, with the neighbouring residential and commercial buildings also being two storey in height. As such, an assessment upon the local vernacular, along with the allotment gardens to the south of the site, should be undertaken as part of a Reserved Matters application, to ensure that any existing development is not adversely impacted by the development. This is to accord with Policies LP24 and LP35 of the Kirklees Local Plan and Chapters 12 and 16 of the NPPF.

## Residential Amenity

- 10.20 As set out above, the principle of residential development at this site is considered acceptable. However, the layout and scale of the development will need to be designed to ensure that the proposal would not harm the outlook, privacy and natural light currently enjoyed by neighbouring residents, in particularly properties to the west along Farnlee and Kirkwood Drive and Woodlands to the north of the site. This would be assessed at Reserved Matters stage to ensure compliance with Policy LP24 of the Kirklees Local Plan and Chapter 12 of the NPPF.
- 10.21 In terms of noise, although residential development would introduce (or increase) activity and movements to and from the site, given the scale of development anticipated within the Local Plan, this would not unacceptably impact on the amenities of nearby residents.
- 10.22 With regards to the future amenity of the occupiers, Environmental Health Officers have expressed concern regarding potential impacts of noise from the Manor House, 1 Lidget Street and other significant noise sources which could likely to impact upon the proposed development. As such, a noise report and mitigation scheme would be required to support any detailed Reserved Matters layout scheme in order to determine the existing noise climate, predict noise climates in gardens, bedrooms and other habitable rooms and to provide attenuation/design if necessary, to protect the amenity of the future occupants.
- 10.23 It is also recognised that the Manor House is an existing commercial business, which includes a hotel, restaurant and bar. Paragraph 182 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses and that existing businesses should not have unreasonable restrictions placed on them as a result if development permitted after they were established.
- 10.24 In this regard, officers have noted that conditions were imposed as part of the original permission for that use 2016/93797 and a later variation of condition application 2018/90081. These include conditions relating to the hours of use and various measures to attenuate noise in the interests of preventing loss of amenity to residential properties in the vicinity of the site by reason of noise disturbance. (There is also a current variation of condition application 2020/93910 pending consideration, seeking the current opening hours to become permanent). As such, provided any future detailed scheme is designed to take into account the proximity of this commercial use, together with the conditions imposed on that commercial use in the interests of residential amenity, these uses should integrate effectively.
- 10.25 It is considered that a reserved matters application could secure a design that would protect the residential amenity of future residents of the site and the neighbouring residential, commercial and religious uses. It is also acknowledged that the proposed access would result in an increase in activity and movements past these buildings/businesses. However, this impact would be limited by the size of the site and the likely number of properties to be built within it.

- 10.26 Subject to detailed consideration at reserved matters stage, it is considered that residential development at the application site could be delivered without having an adverse impact on residential amenity. This is to accord with Policy LP24 and LP52 of the Kirklees Local Plan.

#### Highway issues

- 10.27 Local Plan policy LP21 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. NPPF Chapter 9 requires the Council to consider the potential impacts of development on transport networks, and encourages walking, cycling and public transport use.
- 10.28 The proposed development would be located on a site formally occupied by the Oakmead day centre. Directly north of the site is Woodlands, a children's home, with the Manor House, a hotel, wedding venue, restaurant, and bar to the north east. St. Stephen's church is located directly east of the site and there are allotments south of the site and a residential area west of the site.
- 10.29 Indicative access to the site would be off an existing driveway from Lidget Street that currently serves both the application site, the children's home (Woodlands) and the Manor House.
- 10.30 There are previous approvals on the site, including 2018/92378 and 2014/93632 both with outline permission for the erection of residential development. Furthermore, the application to approve the conversion of the Manor House to a wedding venue, restaurant, and bar in 2015 (2014/93327) and later 2016/93797 included works to improve the access from Lidget Street. This involved widening the carriageway to 5.5m with the provision of junction radii, footways to both sides and 2.4 x 43m sight lines onto Lidget Street. These works have now been implemented to a standard suitable for a private access but not adoptable standards.
- 10.31 As with the 2018 permission, no detailed plans have been provided with regard to access, which is a Reserved Matter. Nonetheless, KC Highways DM have raised no objection to the access in principle and therefore further details would be assessed at the Reserved Matters stage.
- 10.32 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 Policy LP24 (d) of the Kirklees Local Plan.
- 10.33 It is considered that an acceptable scheme can be achieved at the Reserved Matters stage, in accordance with Policies LP21, LP22 and LP24 (d) of the Kirklees Local Plan and the Council's Highway Design Guide.

## Flood Risk and Drainage Issues

- 10.34 The site is within Flood Zone 1 and is less than 1 hectare in size. As such, a site-specific Flood Risk Assessment is not required. Text supporting the proposed site allocation (ref: HS37) does not highlight drainage as a constraint that would need addressing before the principle of residential development could be approved at outline stage.
- 10.35 The Lead Local Flood Authority and Yorkshire Water (LLFA) are also in support of the principle of development. However, they have requested the imposition of a number of planning conditions. These are included as conditions 16, 18-20 in the recommendation below.
- 10.36 In this case, there are no known watercourses of surface water sewers in the immediate vicinity of the site, therefore if infiltration techniques for the disposal of surface water is found to be unviable, surface water drainage from the site should connect to the public sewer network, either to the 225mm dia public combined sewer to the south-west of the site in Field Tops or the 450mm dia public combined sewer to the east in Lidget Street (subject to approval from Yorkshire Water)
- 10.37 It is understood that Oakmead Centre that previously occupied the site was demolished more than 8 years ago and the site has been left undeveloped since then and it is therefore assumed any existing surface water drainage connections are no longer functioning. The LLFA no longer consider the site to be "brownfield" for the purpose of determining allowable surface water discharge rates and, if infiltration techniques are not viable, greenfield run off rates for surface water discharge from the site to public sewers should be applied (i.e 50 l/s per ha) and on-site storage provided for flows from the 1 in 100 year critical storm in excess of this figure taking into account an allowance of 30% for climate change. 10.38 The routing of floodwater during exceedance events (i.e flows greater than the critical storm or due to the blockage/failure of the drainage system) would be required to be determined through the detailed scale and should indicate no flood risk to existing or proposed housing or commercial properties.
- 10.38 A drainage maintenance agreement would be required to be put in place to maintain the site drainage system (including any SUDS/storage/flow control installations) following occupation of the housing units until these are adopted by Yorkshire Water to ensure the efficient operation of the system. This will be assessed in more detail below, as part of the 'Planning Obligations' to accord with Policy LP28 of the Kirklees Local Plan

## Landscape, trees and ecology

- 10.39 If approved, 'landscape' is a matter for consideration at the Reserved Matters stage, as limited landscape details accompany this planning application. More specifically, part of the site contains Habitats of Principal Importance and therefore these should be protected as part of any future landscape scheme, in order to mitigate views of the new development. This is to accord with Policy LP32 of the Kirklees Local Plan.

- 10.40 Tree Protection Orders protect a vast majority of the trees within and adjacent to the western boundary of the 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.
- 10.41 KC Trees have requested that a tree survey, impact assessment and an arboricultural method statement should be provided with any reserved matters application. This is to accord with Policy LP33 of the Kirklees Local Plan and Chapter 15 of the NPPF.
- 10.42 With regards to ecology, 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. A Preliminary Ecological Appraisal Report (PEAR) has been submitted in support of the application, which includes survey data undertaken in 2018 as well as a recent update survey undertaken in 2021.
- 10.43 The Preliminary Ecology Appraisal Report makes recommendations for several surveys in order to inform the final layout of the proposals including bat transect surveys. The results of the submitted appraisal, and any additional surveys required, should be used to inform an Ecological Impact Assessment (EclA) based on the latest plans at a reserved matters stage, in order to assess the effects of the proposed development on protected species and habitats and to design appropriate mitigation.
- 10.44 The submitted ecological report contains information designed to inform the layout of the subsequent application, such as retention of existing habitats, however limited details regarding ecological enhancement have been provided. In accordance with section 15 of the National Planning Policy Framework to encourage Biodiversity Net Gain and in line with Policy LP30 and the proposed new Environment Bill 2019/2021, a measurable increase in biodiversity should be demonstrated by the development proposals. Although there are no finalised landscaping plans, the biodiversity baseline on the site pre-development should be quantified, therefore a completed Biodiversity Metric for the site's ecological baseline should be submitted. The recommended metric is the Biodiversity Metric 2.0 produced by Natural England and DEFRA. Justification for habitat classification, condition assessment and strategic significance for habitats on site should be provided alongside the completed metric. Currently as the requested information has not been provided, a net gain has not been demonstrated but given that no layout or housing numbers have been proposed the Council's Ecologist is satisfied that there is scope to incorporate this into the design phase. This would be secured via a S106 agreement.
- 10.45 In addition to the above, the PEAR has identified several invasive plant species on the site, including the presence of Japanese knotweed. A condition for an invasive species management plan will be required, in the case of an approval. This is to accord with Policy LP30 and Chapter 15 of the NPPF.

### Ground conditions

- 10.46 Land contamination conditions have been requested by Environmental Health Officers, due to the size of the site and its sensitive end use. These will ensure that any future development complies with Policy LP53 of the Kirklees Local Plan and Chapter 15 of the NPPF.

### Environmental and public health

- 10.47 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 due to the limited size of the site. 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, Policies LP24 and LP51 of the Kirklees Local Plan, the West Yorkshire Low Emissions Strategy (and its technical planning guidance), the NPPF, and Planning Practice Guidance.
- 10.48 Having regard to the affordable housing that would be secured, pedestrian connections (which can help facilitate active travel), measures to be proposed at conditions stage to minimise crime and anti-social behaviour and other matters, it is considered that the proposed development would not have negative impacts on human health.

### Representations

- 10.49 The majority of issues raised through the public consultation exercise have been considered in the report above. However, a brief summary, along with officer correspondence can be seen below:

### Objections

#### *Principle of development*

- The proposed site is one of the few green spaces left in Lindley and is believed to be a haven for wildlife
- There are already enough new houses within the area, with schools, health services and amenities already been significantly stretched
- Lindley is already overpopulated and therefore there is no need for any more houses
- Further strain on local resources
- Trees and green space will be lost
- Covid has demonstrated how areas need green space

**Response:** These concerns have been noted. However, the site is designated within the Kirklees Local Plan for residential development. The dwelling numbers have yet to be determined, and this matter was robustly considered as part of the selection of sites to be allocated for housing as part of the Local Plan. The necessary contributions towards infrastructure will be sought as part of this application to mitigate against any adverse impact. Also, funding for health care provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.

### *Highways safety*

- There would be a significant flow of traffic and the narrow access to the site would lead to huge disruption, especially during construction
- The proposal would lead to the congestion of the access
- There are no road markings or one way systems on the existing access
- Concern over the parking of construction vehicles

**Response:** The above concerns have been considered by Highways Development Management and no issues have been raised, subject to the imposition of conditions. This takes into account the relationship of this site to other sites sharing the access point onto Lidget Street.

### *General concerns*

- The allotments would be disrupted with noise and pollution  
**Response:** The principle of residential development would not directly impact on the allotments. The detailed consideration of the layout of the site would assess the relationship between the allotments and built form.
- Impact on the neighbouring commercial sites due to noise, disturbance and visual pollution  
**Response:** This is considered in the report above.
- Concern over pollution/smell during the construction phase which may impact nearby commercial premises  
**Response:** A condition requiring the submission of a construction management plan is recommended as is a condition to control the hours of construction. These seek to prevent undue impact to surrounding uses.
- Without adequate security there is potential for the site to cause anti-social behaviour  
**Response:** This is a matter for the landowner who has responsibility to secure the site.

### Support

- In support of residential here by the density needs to be low so that the quality can be retained, and parking and access is not an issue.
- Consideration needs to be given for boundary treatment so that the area is not negatively impacted  
**Response:** These concerns have been noted. Density and the relationship of the development to existing trees will be fully considered at Reserved Matters stage.

### Planning obligations

10.50 Paragraph 56 of the NPPF confirms that planning obligations must only be sought where they meet all of the following: (i) Necessary to make the development acceptable in planning terms, (ii) Directly related to the development and (iii) Fairly and reasonably related in scale and kind to the development. Should Members resolve to approve this application, Officers recommend that it should be subject to a Section 106 agreement to cover the following:

- 1) Affordable housing – 20% of dwellings to be affordable with a preferred split of 55% social or affordable rent to 45% intermediate housing;



- 2) Open space – contribution to off-site open space to be calculated at Reserved Matters stage based upon the level of on-site provision at that time and to be spent within the vicinity of the site;
- 3) Education - additional places may be required to be spent on priority admission area schools within the geographical vicinity of this site, with the contribution to be calculated at Reserved Matters stage based upon the numbers of dwellings proposed at that time;
- 4) A contribution to sustainable transport methods, to be determined at Reserved Matters stage based upon the number of dwelling units
- 5) Biodiversity – Contribution (amount to be confirmed at the Reserved Matters stage) towards off-site measures to achieve biodiversity net gain.
- 6) Arrangements to secure the long-term maintenance and management of on-site public open space and the applicant's drainage proposals.

10.51 This application is an outline application with all matters reserved. Therefore, when a specific layout with numbers of dwellings is agreed at the Reserved Matters stage, the necessary financial contributions will then be calculated and the appropriate contributions subsequently sought.

10.52 Local Plan policy LP11 requires 20% of units on the site to be affordable with a preferred split of 55% social or affordable rent to 45% intermediate housing. As the applicant seeks outline permission with all matters reserved (other than access), the end number of units is unknown. However, taking into account the annual overall shortfall in affordable homes in the district, KLP Policy LP11 states that the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes. It advises that the proportion of affordable homes should be 20% of the total units on market housing sites. This requirement will be secured by means of a Section 106 agreement with details of the location of these units provided at Reserved Matters stage. This would comply fully with the requirements of Policy LP11.

10.53 Local Plan policy LP63 of the Local Plan relates to public open space provision. In this case, the Landscape Officer has noted that the site is 0.78 hectares and therefore triggers the need for public open space. This would be secured through the Section 106 obligation requiring the provision of public open space either on site or in the form of an off-site lump sum contribution. This would be calculated at RM stage. Based upon the provision of 20 units, an off-site lump sum in lieu of on-site public open space would be likely to represent a contribution of £44,805 (including the sports provision) if Open Spaces SPD is adopted in its current form. This could be spent on Daisy Lea Rec, Blackthorn Drive and Fernlea, all of which are within a 15 minute walk or less than 720m away.

10.54 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. The contribution is determined in accordance with the Council's policy and guidance note on providing for education needs generated by new housing. This confirms that The Local Authority's (LA) Planning School Places Policy (PSPS) provides the framework within which decisions relating to the supply and demand for school places are made. Contributions will only be sought where the new development triggers the requirement for additional school places. This provides a consistent approach to securing the education contribution within the planning application process.

- 10.55 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 a contribution towards sustainable travel measures will also be sought at Reserved Matter stage.
- 10.56 A net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Given this is an outline application with all matters reserved, such a biodiversity net gain has not yet been demonstrated by the applicant. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. A condition requiring an Ecological Impact Assessment (EclA) and Section 106 Obligations to secure biodiversity net gain are recommended, requiring the applicant to provide the necessary calculation, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on-site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the Council would be required to spend on compensatory measures at an available site.
- 10.57 Section 106 provisions relating to the management and maintenance of the proposed drainage infrastructure, in advance of its future adoption or in perpetuity to accord with Policy LP28 as well as details of maintenance and management of any on-site public open space, in accordance with Policy LP63.
- 10.58 For these reasons, these planning obligations are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. The requirement for these obligations therefore conforms to guidance within the Framework.

#### Other matters

- 10.59 Detailed comments have been provided by the Waste Collection Authority with regards to the refuse collection vehicle requirements, bin presentation points, and bin storage facilities. These matters can be imposed as conditions which would need to be fully assessed within the submission of 'layout' and 'access' reserved matters.
- 10.60 Alongside the above, detailed comments have been provided by KC Crime Prevention. In this instance, security measures have been recommended, which will be secured at the Reserved Matters stage. This includes details regarding boundary treatment, lighting and standard measures for doors, windows and glazing.

## **11.0 CONCLUSION**

- 11.1 The application site is allocated for residential development in accordance with site allocation HS37 within the Kirklees Local Plan, In accordance with Policy LP65, the principle of residential development is therefore considered acceptable.

11.2 The site is constrained in relation to trees, the adjacent residential, commercial and religious developments and heritage assets. While these constraints would necessitate further, 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 an outline permission be granted subject to the necessary planning conditions and obligations set out in the report.

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. 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 it 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 Planning and Development)**

1. Approval of Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be sought before development commences.
2. Plans and particulars relating to Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
3. Application for Reserved Matters to be submitted within three years.
4. Development to be carried out in accordance with approved plans and specifications.
5. Submission of an Ecological Impact Assessment (EclA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at up to 10% and development in accordance with EIA recommendations
6. Submission of a Phase 1 Preliminary Risk Assessment
7. Submission of a Phase 2 Intrusive Site Investigation Report.
8. Submission of a Remediation Strategy.
9. Implementation of a Remediation Strategy.
10. Submission of a Validation Report.
11. Provision of Electric Vehicle Charging Points.
12. Work to be carried out in accordance with the Council's set construction site working times
13. Details of storage, bin presentation points and access for collection of wastes from the dwellings to inform the Reserved Matters of 'access' and 'layout'
14. Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
15. Construction Management Plan, including point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
16. Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
17. A scheme detailing the proposed internal road layout (to an adoptable standard)
18. Full detailed drainage design detailing foul, surface water and land drainage

19. Full details of the proposed means of managing surface water during the construction period including silt management to prevent blocking up of drainage systems.
20. Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
21. Noise assessment report and mitigation scheme
22. Submission of Travel Plan
23. Tree survey and impact assessment and arboricultural method statement
24. Measures to promote carbon reduction and enhance resilience to climate change
25. Full details of an invasive species management plan
26. Full details of a Construction Environmental Management Plan

### **Background Papers:**

Application and history files –

[Planning application details | Kirklees Council](#)

Website link –

[Planning application details | Kirklees Council](#)

Certificate B has been signed.