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

**STRATEGIC PLANNING COMMITTEE**

**Date: 10-Apr-2025**

**Subject: Planning Application 2023/93667 Outline application, including the consideration of access for vehicle into the site, for demolition of buildings and erection of residential development (up to 261 dwellings), including redevelopment of Lodge Cottage and Administration Building for residential use, two vehicular access points off Storthes Hall Lane, and associated works Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA**

**APPLICANT**

Ubrique Investments Ltd

**DATE VALID**

12-Dec-2023

**TARGET DATE**

12-Mar-2024

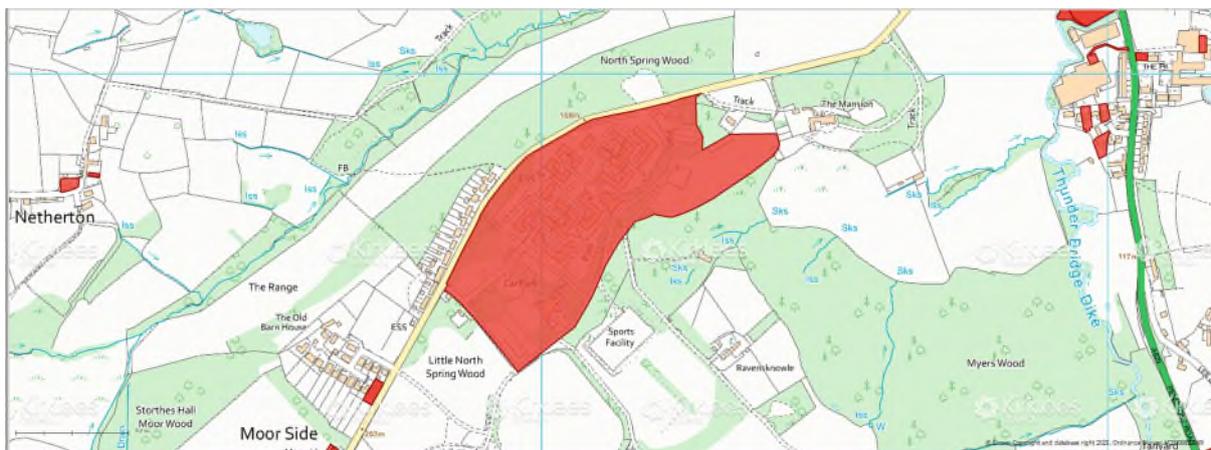
**EXTENSION EXPIRY DATE**

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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.

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected:** Kirkburton Ward

**Ward Councillors consulted:** Yes

**Public or private:** Public

## **RECOMMENDATION**

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

- 1. Affordable housing:** 10% provision, by virtue of Vacant Building Credit, with a tenure split of 55% social or affordable rent and 45% intermediate housing (including 25% first homes) unless otherwise agreed at Reserved Matters stage;
- 2. Open space:** Contribution to address any on-site shortfalls in specific open space typologies (to be calculated at Reserved Matters stage in light of on-site provision)
- 3. Education:** Contribution towards education provision (to be determined at Reserved Matters stage, based on formular to be set within the Section 106 agreement).
- 4. Sustainable transport:** £1,000,000 contribution towards the delivery of a bus service (£200,000 x 5 years), £64,000 towards 2x bus shelters with real time displays, £15,000 for Travel Plan monitoring, and a (£511.50 x final number of units) Sustainable Travel Fund contribution.
- 5. Biodiversity Net Gain:** Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain in the event that it cannot be delivered on site.
- 6. Management:** The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including estate roads, open space, landscaped areas and surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within 3 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 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 application seeks outline permission, with access into the site as a consideration, for the erection of up to 261 dwellings with associated works. The proposal includes redevelopment works to Lodge Cottage (Grade II listed) for residential use.

- 1.2 This application is brought to the Strategic Planning Committee, in accordance with the Delegation Agreement, due to the recommendation including a non-policy compliant Section 106 package following a Vacant Building Credit position having been agreed.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is approximately 5km to the southeast of Huddersfield town centre, 1.3km east of Farnley Tyas, and 1.5km to the west of Kirkburton.
- 2.2 The application's red-line boundary covers an irregularly shaped area of 12.42 hectares. The land within slopes with an overall fall of 24m south to north. In parts, there is a 5m fall across the site from west to east. The site accommodates numerous defunct student accommodation buildings (previously occupied, including at the time of submission, and managed by DIGS Accommodation), the Reception Building (which hosted administrative facilities and a Costcutter Convenience Store), The Venue (a bar and kitchen), The Lodge, and other ancillary structures associated with the site's student accommodation.
- 2.3 During the course of the application the site's use as student accommodation has ended and The Venue has closed, including to members of the public. Prior to its closure, the site accommodated approximately 1,300 students.
- 2.4 The existing accommodation buildings on site are a mix of three and four storeys, laid out in a geometric cluster. The other buildings are two storeys. Building materials include natural stone as the principal material, with render as secondary.
- 2.5 The Lodge and the adjacent gate piers, flanking the site's eastern access, are Grade II listed. Both the Reception Building and The Venue are considered to be non-designated heritage assets. All of these buildings (and the piers) were associated with Storthes Hall Hospital, a mental health facility which opened in 1904 and closed in 1992.
- 2.6 The application's boundary also includes the surrounding tree-belts, and the open greenfield land to the east of the accommodation facilities. Many of the trees and tree-belts surrounding the site (both within and outside the application's boundary) are protected by Tree Preservation Orders (TPO). The site is fully within the Green Belt.
- 2.7 Running along the site's north and west boundaries is Storthes Hall Lane, which the site has two accesses onto (utilising a one-way system). West of the site are dwellings that face across Storthes Hall Lane towards the site's tree-belt boundary. Storthes Hall Lane connects to Penistone Road to the east and leads to Thunder Bridge, Stocksmoor, and Farnley Tyas to the west.
- 2.8 The site is bounded to the southwest by the former Storthes Hall Hospital land, which has been cleared for development since circa 2005. That parcel of land has planning consent for the development of 300 dwellings and a care home, however progress has stalled since the planning consent was implemented.

- 2.9 Various sports facilities are located to the south of the site. This includes four adult football pitches and two children's pitches, in use by Shelley Community Football Club. An all-weather pitch with floodlighting is also in use by Huddersfield Dragons Hockey Club. These facilities are accessed through the site, utilising the current one-way system. The applicant has stated that it is not intended that the development would impact the ongoing use of these sports facilities, and access to these facilities would be maintained through the site following development.
- 2.10 There are no PROWs within the site, although claimed route KIR/dmmy app136/20 runs through part of the site, from the east access to the woods to the south. PROW KIR/61/20 is located on the north side of Storthes Hall Lane.

### **3.0 PROPOSAL**

- 3.1 The application is submitted with all matters reserved, except vehicle access into the site. The Town and Country Planning (Development Management Procedure) Order 2015 (Article 2) defines access as the following:

*Access: Accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.*

This application therefore seeks to consider the principle of residential development and the means of access only. For the purpose of this application, it relates to the means of access into the site and not 'within' it.

- 3.2 The reserved matters are Appearance, Scale, Layout, and Landscaping. For information purposes, these relate to the following aspects:

*Appearance: the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.*

*Landscaping: the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features;*

*Layout: the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development.*

*Scale: the height, width and length of each building proposed within the development in relation to its surroundings.*

Details relating to these matters would be submitted through (a) future Reserved Matters application(s) and do not form part of the current proposal.

- 3.3 In considering the principle of development, the applicant is applying for permission for up to 261 dwellings. Consequently, the effect of this number of units on matters including the highway impact of the development on the wider transport network and education provision for future occupiers are material to the determination of the application and form part of the consideration of this proposal.
- 3.4 As noted, access into the site for vehicles is a consideration at this stage. The site currently has two points of connection onto Storthes Hall Lane. The current route is one-way, with the eastern being the in-route, and the western out. The proposal is to alter, reposition, and enlarge the existing points of access to allow for modern standards of design, and for each to be two-way.
- 3.5 The eastern access is to be redesigned, but would largely make use of the existing infrastructure and built footprint, and would therefore be sited in the same location. The proposed works include the existing security barrier being removed, the junction radii being altered, and the existing ornamental pillars being set back to secure appropriate sightlines. The existing gate piers (Grade II listed) and gate would be relocated to the back of the footway. The gate would be fixed into an open position, outside of the highway. The existing footway, on the west of the road, would be formalised to 2m wide with there being a 0.6m margin to the east. The current proposals are not expected to require any tree removal.
- 3.6 The repositioning of the listed gate piers would require the submission of a separate Listed Building Consent. At the time of writing this has been submitted under application 2024/93452 and is pending consideration.
- 3.7 The existing western access would be closed off, with the new access located slightly to the northeast. This is to allow for suitable sightlines, two way-traffic, and turning manoeuvres into and out of the site, without prejudicing the road's capacity for on-street parking opposite the junction (currently utilised by residents of Storthes Hall Lane). To facilitate this new point of access, an existing landscape area would be removed, with two Category B trees (and several younger tree/shrubs) to be removed.
- 3.8 In addition to the on-site highway works, the following is a summary of the off-site highway works (with full details provided in paragraphs 10.61 – 10.73) that are proposed as part of the proposal:
- Improvements to the Storthes Hall Lane / Penistone Road junction, including the introduction of double yellow lines, to discourage obstructive parking to ensure safe manoeuvring, enhancements the visibility lines, changes to road markings and the introducing of a right turn ghost island, to discourage over-taking on approach and through the right turn lane.
  - Pedestrian / cycle improvements on Storthes Hall Lane, Penistone Road and North Road. This includes improvements to the footway along the section of Storthes Hall Lane between Storthes Hall Bridge and the Spring Grove Tavern. Also, a new controlled crossing (Toucan) is proposed on Penistone Road, immediately north of the North Road junction, and south of the existing fish and chip shop. At the junction of Storthes Hall Lane and Penistone Road, adjacent to Spring Grove Tavern PH, the new footway would be built out to narrow the junction entry, thereby encouraging lower traffic speeds entering Storthes Hall Lane.

- Creating a short section of shared cycle/footway on the northwest side of North Road that links to the controlled crossing. The controlled crossing would be provided as a Toucan crossing, which would allow cyclists to turn right on to Penistone Road, without conflict with vehicular traffic, thereby improving safety for cyclists. To facilitate the section of cycle/footway on North Road, 'No waiting' restrictions are proposed on the initial section. This would result in some existing on-street parking that currently occurs on the south side to be moved further to the south.
  - Provision of a footway on Storthes Hall Bridge, which currently has no pedestrian facility, to connect to the existing footways on either side of the bridge. This would necessitate the carriageway going down to a single lane, therefore, a three-way traffic light system is to be installed.
- 3.9 All off-site highway works which may be secured as part of this proposal would be subject to the separate Traffic Regulation Order process, which includes its own public consultation stage(s).
- 3.10 While the proposal is outline, with all matters reserved bar the above detailed vehicle access into the site, it is submitted with various supporting documents to demonstrate the suitability and feasibility of development. Of note, these include a Structures Plan and Indicative Plan.
- 3.11 The Structures Plan sets out the parameters of the proposal, and includes the following:
- Identifies the trees to be retained, and those to be felled.
  - Identifies the net developable areas for dwellings.
  - Confirms the Reception Building and The Lodge are to be retained, to be converted to residential units.
  - Confirms that The Venue is to be demolished.
  - A tree-line spine-road connecting the two access points is to be provided.
- 3.12 Further to the Structures Plan, the Indicative Plan shows an indicative residential development of the site (built in adherence to the Structures Plan's parameters). As it is indicative, its purpose is to show how the site could be developed, and that such a development is feasible (without prejudice to any future, more in depth assessment). It does not, however, dictate what would or should be submitted at Reserved Matters stage and, in theory, a different submission could be received (subject to it being in compliance with the Structures Plan and/or any other pertinent conditions that may be imposed).
- 3.13 The indicative plan shows:
- The proposed points of access and a central tree-lined spine-road connecting the two proposes accesses.
  - Looped secondary streets, with branching tertiary streets with turning facilities. All to be tree-lined.
  - An indicative layout for 226 plots, plus 14 apartments within the Reception Buildings. Dwellinghouses would be a mixture of detached, semi-detached, and terraced properties.
  - The provision of allotments, a play area, attenuation basins, and ecological enhancements within the greenfield land to the east of the site

## 4.0 RELEVANT PLANNING HISTORY (including enforcement history)

### 4.1 Application Site

89/04926: Redevelopment of Storthes Hall Hospital by Change of Use of existing buildings and outline application for erection of some new buildings to form new village – Refused

89/04927: Redevelopment of Storthes Hall Hospital by change of use of existing buildings and outline application for erection of some new buildings to form new village – Refused

89/04928: Conversion of former hospital buildings to 77 apartments – Withdrawn

90/06764: Change of use from hospital to educational purposes – Refused

95/91055: Erection of facilities services building – Granted

95/91076: Erection of sports hall and associated 2-storey changing activity and reception areas and temporary parking – Granted

93/03766: Part demolition of existing buildings and erection of new student residential accommodation – Granted

95/90636: Refurbishment and extension of redundant ward 11 building into a central amenities facility for the student village incorporating bar, catering and retail facilities – Granted

2024/93452: Listed Building Consent for works to the gate piers and access junction to facilitate the residential development of Storthes Hall – Ongoing

### 4.2 Surrounding Area

*Former Storthes Hall Hospital (south / southwest)*

Of note, this site has an extensive planning history. The following are deemed to be the pertinent applications.

2005/91330: Outline application for erection of continuing care retirement community of approximately 300 units, residential care home and central community facilities – Granted

2012/91503: Extension to time limit to previous permission 2005/91330 for outline application for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities – Granted

2016/90711: Reserved matters application for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities pursuant to outline permission 2012/91503 for Extension to time limit to previous permission 2005/91330 for outline application for erection of continuing care retirement community of approx 300 units, residential care home and central community facilities – Granted

2019/93465: Construction of 3 detached dwellings and change of access and parking to 2 existing dwellings – Ongoing

*Adjacent sports grounds (south / southeast)*

2011/91949: Erection of extension to existing pavilion to form changing rooms and associated facilities to service sports fields – Granted

2014/91980: Erection of two covered stands – Granted

2024/90914: Demolition of existing dwelling and erection of detached dwelling with associated works – Granted

2024/93261: Erection of football changing rooms – Granted

2024/93365: Erection of hockey changing rooms – Granted

#### 4.3 Enforcement History

None relevant to the current proposal.

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

5.1 A pre-application enquiry was submitted July 2022. This led to a prolonged period of engagement between the applicant, officers, and consultees, with feedback offered over the next year and leading to the formal submission of the application in December 2023.

5.2 During the course of the pre-application and formal application submission, extensive negotiations have taken place between the applicant and KC Highways Development Management regarding the adequacy of the road network and any mitigation that may be deliverable (as detailed in paragraphs 10.61 – 10.73). Other negotiations have focused in the proposal's impact on heritage assets, woodland, ecology, and drainage, which has led to various amendments to the Structures Plan and Indicative (layout) Plan. The Design and Access Statement has been revised during the course of the application to provide additional guidance for any future Reserved Matters application.

5.3 When originally submitted, the application sought layout as a consideration. This would have secured the exact number of units proposed and their layout within the site, as well as that of the roads and open spaces. However, during the course of the application, layout was agreed to form a reserved matter.

5.3 Negotiations have also taken place regarding the proposal's Section 106 package of contributions and other obligations. This includes whether the site can benefit from Vacant Building Credit, and what implications this may have on the affordable housing provision. Discussion also concerned other contributions, given the proposal is outline with all matters (bar access) reserved, with an indetermined final number of dwellings (albeit with a maximum of 261 known).

## 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 27/02/2019).

### Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

6.2 The application site is allocated for housing in the Kirklees Local Plan, reference MDGB1 under policy LP72 (Land at Storthes Hall). The allocation has an area of 28.82ha. The application site has an area of 12.42ha, however this includes circa 2.2ha outside of the allocation (land to the northeast of the allocation). The application covers 10.25ha, or circa 35.5%, of the allocation's net area. While allocated for housing, the site remains within the Green Belt.

6.3 The relevant Local Plan policies are:

- **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
- **LP19** – Strategic transport infrastructure
- **LP20** – Sustainable travel
- **LP21** – Highways and access
- **LP22** – Parking
- **LP23** – Core walking and cycling network
- **LP24** – Design
- **LP27** – Flood risk
- **LP28** – Drainage
- **LP30** – Biodiversity and geodiversity
- **LP32** – Landscape
- **LP33** – Trees
- **LP35** – Historic environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, active and safe styles
- **LP51** – Protection and improvement of local air quality
- **LP52** – Protection and improvement of environmental quality
- **LP53** – Contaminated and unstable land
- **LP59** – Brownfield sites in the Green Belt
- **LP61** – Urban green space
- **LP63** – New open space
- **LP65** – Housing allocations
- **LP73** – Land at Storthes Hall

6.4 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

#### *Supplementary Planning Documents*

- Affordable Housing and Housing Mix SPD (2023)
- Highways Design Guide SPD (2019)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)

## *Guidance documents*

- Kirklees Interim Housing Position Statement to Boost Supply (2023)
- Kirklees First Homes Position Statement (2021)
- Providing for Education Needs Generated by New Housing (2012)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Waste Management Design Guide for New Developments (2020)
- Green Streets Principles for the West Yorkshire Transport Fund

## National Planning Guidance

6.5 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2024 and the Planning Practice Guidance Suite (PPGS), together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **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 13** – Protecting Green Belt land
- **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

6.6 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)
- DCLG: Technical housing standards – nationally described space standard (2015)

## Climate change

6.7 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.8 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 would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

## **7.0 PUBLIC/LOCAL RESPONSE**

### *The applicant's statement of community involvement*

7.1 The application is supported by a Statement of Community Involvement (SCI) which outlines the public engagement the applicant undertook prior to their submission to the LPA. The following is a summary of the engagement undertaken:

- Local ward members were informed of the pre-application engagement and of the intended community consultation events.
- A leaflet drop to local residents was undertaken, sent to 100 properties in close proximity to the application site.
- Leaflets were also provided within the reception of the student village, for students to be kept informed.
- Electronic versions of the leaflets were issued to the adjacent sports clubs.
- An electronic copy of the letter and proposed site layout was made available on the Johnson Mowat (planning agent) website, to ensure any interested stakeholders had an opportunity to review the material and provide comment.

7.2 The SCI does not detail what the outcome of the pre-application engagement was.

### *Public representation*

7.3 The application was amended during its lifetime and a period of re-consultation, via neighbour letters, was undertaken. These were sent to all neighbouring residents, as well as to those who provided comments to the original period of representation.

7.4 The end date for public comments was 01/04/2025. In total 58 public comments have been received. The following is a summary of the comments made:

### *General / other*

- Inadequate master-planning between this site, and the adjacent part of the allocation, has been undertaken and therefore opportunities for cumulative provisions missed.
- Application 98/93583 at the site was refused on various grounds, including reliance on private cars, harm to local infrastructure, inadequacy of roads, harm to local residents, and harm to landscape.
- Questioning the value of local spend during the construction period.
- A shop should be provided on site.
- The proposal will harm local property values, which residents will seek to recoup from the council.

- To support this application is contrary to the council's declaration of a climate emergency.
- The proposal does not include details of affordable housing.
- The existing buildings should be converted, not demolished for housing. It is not sustainable to demolish modern buildings.
- The local area has inadequate local services, including doctors, schools, dentists.
- Concerns however how the planning application has been advertised, with limited notice given regarding the Penistone Road / North Road works.

### *Urban design*

- The proposal's 261 units exceeds the local plan's indicative capacity, cumulative with the 300 at the adjacent site, by over 10% and is an overdevelopment.
- Object to the demolition of The Venue and Reception Building, which are heritage assets. They should be kept as a community / commercial space.

### *Amenity*

- No assessment of traffic noise impacts has been undertaken: there is a growing recognition of the associated health effects.
- The proposed works, specifically the new accesses into the site and the increase in traffic, will cause noise and air pollution, harming local residents.

### *Highways*

- Dispute the submitted Transport Report and its findings, particularly the traffic generation identified and impact on local junctions.
- The site's western access is not suitable, as it would put traffic near to the existing dwellings.
- The addition of the cycle lane at the Penistone Road / North Road junction is ill through thorough. It'll not lead to safety improvements.
- There is no need for cycle infrastructure in the area. The topography makes cycling undesirable, and there are few cyclists in the area.
- The introduction of double yellow lines on Penistone Road / North Road will remove on-street parking, harming local residents and their ability to use their properties. This includes elderly residents who need to be able to park close to their homes.
- Objection to the double yellow lines at the Storthes Hall Lane and Penistone Road junction, which will displace residents parking.
- There is no evidence to suggest that the cycle improvements are needed, nor that this is the most appropriate means of improvement. Furthermore, there is no clear link between this junction and the Storthes Hall site.
- The changes on Penistone Road / North Road will harm the business of Spring Grove Fisheries, through adding congestion and limiting staff / customer parking nearby.
- Storthes Hall Lane is a dangerous road and the proposal will exacerbate this. A fatality on Storthes Hall Lane in 2021 has been left out of the Collection Data Analysis.

- A council highway improvement scheme to the Penistone Road / North Road junction caused problems. These works made turning left at the junction, onto Penistone Road, harder. This should be fixed, not the proposed additional cyclists works.
- The speed limit on Penistone Road should be lowered to 30mph, as a preferable safety improvement. Why has this not been considered?
- The cycle works don't comply with Local Transport Note 1/20 (LTN 1/20), as it will place cyclists into unintuitive locations, the route is too narrow, and in conflict with pedestrians, and involves coming on and off the road, which should be avoided. Cyclists won't use these facilities; they'll just stay on the road.
- Cyclists in the middle lane (cycle turning lane) will be overly exposed to traffic, and at greater risk of being hit
- The current bus service through the site has stopped. A new bus service of a similar frequency and cost is needed to support non-car movements. It should also link to Stocksmoor station.
- The proposed toucan crossing on Penistone Road is too close to the junction and will cause accidents.
- The proposed alteration to the bridge on Storthes Hall Lane, including the introduction of lights and narrowing the carriageway, does not consider the impacts on local businesses, that operate large vehicles and HGVs, local tractor traffic, or coaches heading towards the local sports pitches (adjacent Storthes Hall campus). The proposed narrowness does not consider the size of vehicles that will be using it.
- The road between the Storthes Hall Bridge and Penistone Road should be widened, as it is currently narrow and causes vehicle conflict.
- The local road network cannot accommodate the additional vehicle movements associated with the proposed development. A recent study by the RAC advises that 70% of those living in rural areas use cars to commute.
- The proposed off-site works will likely force cars to park in unsafe locations, narrowing the road and obstructing visibility for drivers, cyclists, and pedestrians
- Questions whether the proposal includes repairing local potholes and surface issues on the road.
- The site is a remote location and does not provide good access to public transport. Therefore, it is not a sustainable location. Sites can only be considered Grey Belt if they are sustainable.
- The proposed changes to the junction of Storthes Hall Lane and Penistone Road are wholly inadequate.
- The proposal will remove car parking for the sports pitches, leading to parking on Storthes Hall Lane.
- How will bins be collected if double yellow lines are outside of houses.
- Future residents would be overly reliant upon cars, with no local amenity shops or public transport.
- Inadequate improvements are proposed to the Storthes Hall Lane and Penistone Road junction, with the assessment made being inadequate.
- Storthes Hall Lane and Penistone Road junction frequently gets backlogged, and the proposal will add further traffic.
- Questioning whether there will still be access to the sports facilities, and a link to PROW KIR/210/10.

- Storthes Hall Lane should reduce to 30mph between the proposed access points, currently there is no speed monitoring and drivers often exceed 40mph.

#### *Ecology / trees*

- The destruction of Little North Spring wood is unacceptable, as is the removal of various category A trees. The scale and extent of tree-loss within the site is not compatible with the Green Belt allocation.
- The council should not support the felling of ancient woodland.
- The young trees on site, both on the boundary and within the site, are also important and play a vital woodland function alongside the older trees.
- The site has valuable habitat that will be removed, harming local species, including deer and bats.

#### *Drainage*

- The site currently floods and discharges water onto Storthes Hall Lane during heavy rain.
- The proposal will increase hard surfacing and lead to more water flowing into local rivers, causing flooding concerns.
- The development will lead to pollution entering the local water network, causing harm to the environment and local species.

7.5 The site is within Kirkburton ward, where Members are:

- Cllr John Taylor
- Cllr Richard Smith
- Cllr Bill Armer

7.6 Cllr Taylor has expressed a general support for the re-development of the Storthes Hall site, however has also expressed a strong objection to aspects of the proposed off-site highway works. Specifically, his concerns relate to the proposed cycle improvements on the North Road and Penistone Road junction, and their need to include double yellow lines that would affect local resident's ability to park on-street. Cllr Taylor commented:

*... I agree that a pedestrian crossing here [on Penistone Rd and North Rd] would be a valuable addition but the rest of the proposals are something which I cannot support. The extent of the planned double yellow lines is likely to destroy the Fish Shop along here, as it is very dependent on customers who drive and park outside and have done so safely for years and this is also borne out by the accident records which are quoted in the application. There would be nowhere for the cars to park and so that custom would likely be lost and so the community would lose another facility and no doubt a number of jobs lost as a result.*

*The proposed cycle lane on North Road would be directly in front of the access to the properties at the bottom of North Rd, where the owners coming out of their properties would have no visibility in some cases of any cyclists using the path in front of their houses and as this is on a gradient, may well be travelling at some speed and unable themselves to resident exiting their properties due to the surrounding stone walls.*

*The proposal for a cycle lane in the middle of this section of North Rd would undoubtedly be dangerous and the proposed island is likely to be in precisely the section of road which articulated HGVS use when swinging round to turn left from North Rd onto Penistone Rd. Along Penistone Rd towards Shelley is sighted Shepley Spring premises and there are HGVs from Barden transport that use this route on a daily basis and would find the junction difficult with the cycle way and island in the position proposed.*

*This cycleway is also proposing to remove car parking at the bottom of North Rd, across from the properties, I often park here myself when visiting this section of Kirkburton and it is rare you go past and there are not a number of cars parked here. Car parking is a problem in Kirkburton already and we are seeing the parked cars on North Rd extending further and further down the road towards Slant gate already and this would only exacerbate this more. A number of the properties at the lower end of North Rd do not have off road parking and park here as it has always been seen as a safe place to park, further up North Rd parked cars on both side often create congestion and this is exacerbated by the number of HGVs using this road. The removal of more car parking spaces would just make this problem worse.*

*I fail to see any justification for tagging this Highways change onto the Storthes Hall development and if retained will force me to oppose the development, something which I am loathe to do, given my support for this and my understanding of the need to bring forward suitable sites for housing across the borough. The only argument which Officers could come up with to support this was some spurious comments around active travel, trying to suggest that parents who bought houses in the new development would be likely to walk or cycle with their children to Kirkburton First and Middle Schools which, given the topography and distance involved is highly speculative at best. The suggestion similarly that residents from Storthes Hall would walk or cycle to North Rd to do their shopping similarly doesn't stack up.*

*The nearest supermarket is Morrisons which is in the other direction. There is a Co-op in Kirkburton but the prices are significantly higher than at Morrisons or Aldi at Waterloo. The junction at Storthes Hall Lane and Penistone Rd, whilst having improved sightlines will remain difficult to exit when turning right towards Kirkburton due to the volume of traffic on Penistone Rd (this is already an issue at most junctions on this road at peak times when trying to turn right). It is far more reasonable to assume anyone wishing to do a weekly shop will turn left and go to one of the supermarkets at Waterloo.*

*I hope that the service will look again at what is being proposed and remove this unnecessary addition and complication, as I mentioned local residents are already unhappy with the Highways changes done a couple of years ago at the North Rd junction, ones which I championed to improve pedestrian safety but ended up with a wall being built which obscured views of traffic coming from Shelley. Making further changes to this junction which don't correct this issue and in fact, as I have indicated cause additional problems is difficult to comprehend, never mind try and explain to aggrieved residents.*

## 8.0 CONSULTATION RESPONSES

K.C. Conservation and Design: Objected to the proposal's original intention to demolish the Administration Building and The Venue, given their status as non-designated heritage assets, and their general high quality of design and attractiveness. Following amendments, they acknowledge and welcome the retention of the Administration Building being incorporated into the proposal, however they maintain an objection to the proposed demolition of The Venue.

K.C. Crime Prevention: No objection subject to conditions relating to crime mitigation measures at Reserved Matters stage.

K.C. Ecology: Consider the survey work and ecological assessments undertaken suitable for an outline assessment. The baseline habitat assessments are suitable to inform future net gain assessments. No objection subject to conditions, which require the submission of up-to-date survey work and assessment, at Reserved Matters stage, and provisions within the Section 106 agreement.

K.C. Environmental Health: No objection to the proposal, subject to conditions relating to various environmental health matters, including contamination, air quality, and noise pollution.

K.C. Highways (Waste): Advice offered regarding road designs, acknowledging the proposal is outline with submissions being indicative. No objections at this stage, with a detailed review to be undertaken at Reserved Matters stage, subject to conditions being imposed.

K.C. Highways (Development Management): Have been involved throughout discussions regarding the access arrangements for the site and off-site highway improvements. Following receipt of amended details, no objection to the point of access and various off-site highway works to the Storches Hall Road / Penistone Road / North Road, subject to conditions and Section 106 obligation(s).

K.C. Landscape: Acknowledge that the proposal is an outline submission, with the matters most pertinent to landscape (layout and landscaping) being reserved. They acknowledge and welcome the proposal's retention of many trees and the indicative proposals show a good degree of replanting (including street trees). However, they note the structures plan includes the removal of mature trees within the site, which is a cause for concern, partially without knowing the full and final details. Advice offered for conditions and Section 106 obligations.

K.C. Lead Local Flood Authority: Expressed initial concerns, particularly when layout was not a Reserved Matter, due to inadequate flood routing arrangements. However, confirmed no in-principle concerns over the site's ability to suitably host future development, nor are there fundamental reasons why suitable surface water drainage arrangements cannot be secured as part of the Reserved Matters and/or condition discharge. Following confirmation that all layout details are indicative, and therefore the flood routing shown is also indicative, along with further elaborations on the existing site's water routing arrangements, no objection subject to conditions and Section 106 arrangements for management and maintenance of drainage infrastructure.

K.C. Strategic Housing: Advise officers on the local need for affordable housing, as per the council's Affordable Housing and Housing Mix SPD, as well as expectations relating to affordable housing design. Confirmed the policy expectation for 20% affordable units to be delivered on site, however it should be noted that these pre-dates planning officers' negotiations on Vacant Building Credit with the applicant.

Yorkshire Water: The site is currently served by a private water supply, with the proposal seeking to connect to the Yorkshire Water network. Yorkshire Water confirm this is acceptable (subject to separate processes taking place). No objection to the proposal, subject to conditions.

K.C. Trees: Object to the proposal, due to the extent of tree loss proposed, although the last comments received relate to an earlier version of the scheme. Final comments requested and to be provided within the update.

K.C. Public Health: Have confirmed that a Health Impact Assessment is not required.

K.C. Planning Policy: Expressed initial concerns over the proposal's impact on the openness of the Green Belt, notably the concentration of development in the site's western portion. No further comments have been provided following layout being removed from consideration and the structures / indicative plan being updated. Nevertheless, the documents have been revised to accommodate their initial concerns.

West Yorkshire Metro: Advice offered regarding means to promote sustainable travel to and from the site, as well as the establishment of a bus route through the site. Requested contributions towards provision of a bus service, bus stops, and Metro-cards.

## **9.0 MAIN ISSUES**

- Principle of development
- Highways implications
- Urban design and the historic environment
- Residential amenity
- Drainage and flood risk
- Ecology
- Planning obligations
- Other matters
- Representations

## **10.0 APPRAISAL**

### Principle of development

- 10.1 Paragraph 48 of the National Planning Policy Framework (the Framework), which is a material consideration in planning decisions, confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. This approach is confirmed within Policy LP1 of the Kirklees Local Plan, which states that when considering development proposals, the Council would take a positive approach that reflects the presumption in favour of sustainable development contained within the Framework. Policy LP1 also clarifies that proposals that accord with the policies in the Kirklees Local Plan would be approved without delay, unless material considerations indicate otherwise.

*The five-year housing land supply and the tilted balance*

- 10.2 The 2023 update of the five-year housing land supply position for Kirklees shows 3.96 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the past three years has fallen below the 75% pass threshold.
- 10.3 As the council is currently unable to demonstrate a five-year supply of deliverable housing sites and delivery of housing has fallen below the 75% HDT requirement it is necessary to consider planning applications for housing development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:
- “d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
- 10.4 Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; or where the Housing Delivery Test has fallen below the 75% pass threshold.
- 10.5 It should be noted that paragraph d)i)'s reference to 'protected areas' includes land designated as Green Belt and designated heritage assets: this site is both within the Green Belt and there are designated heritage assets in the vicinity. Non-designated heritage assets are not referred to in paragraph d)i). However, for the reasons to be set out within this report, neither of these considerations are considered to provide a strong reason for refusing the development proposed.
- 10.6 The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal. The judgement in this case is set out in the following officers' assessment, where relevant.

*Land allocation (Land at Storthes Hall and Green Belt)*

- 10.7 The site is within the Green Belt. Paragraph 142 of the NPPF attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. In recognition of this, the NPPF identifies (via paragraph 153) that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

- 10.8 Paragraph 154 identifies that any development in the Green Belt is inappropriate, unless it falls under the exemptions detailed within paragraph 154 or 155.
- 10.9 The primary pertinent NPPF Green Belt exemption for this application is considered to be at policy 154(g), (with consideration on the exemption of 155 (Grey Belt) set out in paragraph 10.30 of this report). Paragraph 154(g) states that developments which complies with the following requirements are not inappropriate:

*limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.*

- 10.10 The proposal is for the complete redevelopment of previously developed land (which, per the NPPF's definition of 'previously developed land', includes the curtilage of the developed land). Previously developed land is also known as brownfield land. The existing buildings on site are not temporary. Therefore, the principal test to demonstrate compliance with paragraph 154(g) is whether the proposal would cause '*substantial harm to the openness of the Green Belt*'. This shall be considered further in paragraphs 10.16 – 10.27.
- 10.11 Notwithstanding the above, the proposal's red-line encroaches into greenfield land to the east of the built-up area of Storthes Hall. This land is not considered to be part of the existing development's curtilage and therefore not brownfield land. Hence, new development in this area could not be assessed against paragraph 154(g), although it should be noted that no structures are proposed within this area. This component part of the proposal is considered further in paragraphs 10.28 – 10.29.
- 10.12 With regard to local policy, the Local Plan acknowledges that the Storthes Hall site is a brownfield site (previously developed land) within the Green Belt, which has an established impact upon openness. In recognition of this, two Local Plan policies directly reference Storthes Hall. This includes policy LP59 (Brownfield sites in the Green Belt), which states:

*Proposals for infilling within existing brownfield sites or for their partial or complete redevelopment will normally be acceptable, provided that:*

*a. in the case of infilling, the gap is small and is located between existing built form on a brownfield site;*

*b. in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*

*c. redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*

*Land at Storthes Hall has been designated in the Local Plan in order to recognise it as a major brownfield site in the Green Belt. Development proposals should be accompanied by a masterplan with special attention paid to the impact of any proposal on the openness of the Green Belt. In all cases regard should be had to relevant design polices to ensure that the resultant development does not materially detract from its Green Belt setting.*

The above underlining is officers' emphasis. The Local Plan Policy LP73 is a policy and allocation (ref: MDGB1) specific to the land at Storthes Hall (as opposed to LP65 and the other housing allocations of the Local Plan). It states:

*The site listed below [Storthes Hall] is allocated as a major developed site in the Green Belt under Policy LP59. Planning permission will be expected to be granted if proposals accord with the development principles set out in the site box below, relevant development plan policies and as shown on the Policies Map.*

- 10.13 The allocation box for Storthes Hall lists various constraints and site-specific considerations, which will be considered within this assessment, where relevant. However, the allocation has the following note:

*The Council will support initiatives to develop and enhance this key brownfield site in the Green Belt provided proposals do not conflict with the openness of the Green Belt and other Local Plan policies.*

- 10.14 Accordingly, both the NPPF and Local Plan accord with each other in respect of the re-development of this site within the Green Belt being appropriate, subject to an assessment of the proposal's impact on the openness of the Green Belt.

- 10.15 National Planning Practice Guidance identifies that openness is capable of having both spatial and visual aspects.

- 10.16 The submission is an outline application, with all matters reserved, bar access into the site. Therefore, a detailed assessment of the proposal's final impact on openness cannot reasonably be undertaken at this time. For the purposes of this outline application, the assessment needs to focus on the fundamentals of whether the site can be re-developed without harming openness, and what parameters may be necessary for the future Reserved Matters submission.

- 10.17 The submission identifies that the existing buildings within the site have a total floorspace of 34,829m<sup>2</sup> and a built volume of 128,334m<sup>3</sup>. Excluding Lodge Cottage and the Administration Buildings (which are to be retained), there are 21 buildings on site (18 accommodation blocks, The Venue, an ancillary service shed, and the gym building). The accommodation blocks are large-scale, and a mixture of three and four stories, with The Venue and gym being two. There are also roads and car parks, all of which combined to establish the site's existing impacts upon the Green Belt's openness.

- 10.18 The existing development's floorspace and massing cannot be relied upon as a single benchmark for assessing and controlling a future proposal's impact upon openness. This is because it is deemed overly simplistic, and potentially unduly restrictive for both applicants and officers to develop an appropriate scheme. Furthermore, the existing buildings are clustered together near the centre of the site, whereas the proposal relates to a wider site area.

- 10.19 Nevertheless, as an indicative example of what an existing floorspace of 34,829m<sup>2</sup> would equate to in dwellinghouses, without prejudice to any future assessment, would be useful. In 2020 the UK Government's English Housing Survey published the document Size of English Homes. This identified the UK average size of terrace properties as 88m<sup>2</sup>, semi-detached properties as 97m<sup>2</sup> and detached properties as 149m<sup>2</sup>. Dividing the site's existing

floorspace by the above noted UK average house size figures equates to 395 terraced, 359 semi-detached, or 234 detached units. As is set out in paragraphs 10.38 - 10.40 of this report, the council expects the future Reserved Matters application at this site to comprise a mixture of house types (detached, semi-detached etc) and sizes (1-bed to 4-bed+).

- 10.20 Assuming the dwellings at Reserved Matters stage would not be notably above UK averages in terms of their floorspace, the proposed re-development of the site, capped at a maximum of 261 dwellings, is expected to lead to a reduction in built floorspace (and, logically following, built volume) compared to the existing development on site.
- 10.21 Besides the massing of the existing development, consideration must also be given to the visual aspect of openness. As existing, the site's impact upon the Green Belt's openness, at least from wider vistas outside the site, is substantially mitigated by the surrounding tree-belt and the topography of the wider area. These factors combined to make the current site somewhat imperceptible from outside of its immediate environs. However, when within the site, the existing buildings' height and massing, particularly that of the student accommodation blocks, is notably evident. This, plus the associated infrastructure (roads, car parks, general domestic paraphernalia) combine for a limited sense of openness when within the centre of the site, nor is there an evident appreciation of the purposes of the Green Belt.
- 10.22 When considering views into the site from outside, the wider area's topography is to be unaffected by the proposal. To ensure future development at the site has no greater prominence, and therefore harm to openness in the Green Belt, the site's boundary tree-belts need to be substantially retained, to continue its current function as screening (although careful felling, for necessary and specific purposes, is unlikely to materially erode the current function of the belt). Furthermore, given that the development is expected to be less dense than the current cluster of accommodation, and would be more spread throughout the site, dwellinghouse heights should be limited to two or three storeys.
- 10.23 The application is supported by a Structures Plan that establishes parameters for the Reserved Matters submission. This shows that the vast majority of the tree-belt surrounding the site is proposed to be retained, in accordance with the above expectation. Limited felling for arboricultural reasons (i.e., dead or dangerous trees) is proposed within the boundary tree-belt, as is limited felling of younger trees around the proposed western access that contribute little to the abovementioned screening and may be off-set through re-planting. While more extensive tree loss within the site (i.e., not on the boundary) is proposed, these do not offer the same screening function, and their loss is not considered the harm the site's relationship with the openness of the Green Belt. The loss of these trees, from a design perspective, is considered further in paragraphs 10.110 – 10.120.
- 10.24 The Structures Plan also identified zones for residential development. While this extends out of the immediate environs of the existing cluster of student accommodation buildings, notably into the currently vacant western half of the site, this part of the site is still deemed to be brownfield land by virtue of being curtilage of the site and its historic use: it has not naturalised to a point where it would not be considered brownfield. The identified zones shows that dwellings would be set back from the site's north, east and south boundaries by the above considered tree-belts. To the west, the site adjoins the remainder of the allocation, and therefore a visual separation is not considered vital.

10.25 In addition to the Structures Plan, to ensure that openness remains a core consideration of the Reserved Matters submission, a condition is recommended requiring the Reserved Matters submission(s) be supported by an assessment outlining their respective impact on openness, having due regard to the site as originally built. The following draft working is suggested (although subject to revision as part of negotiations):

*#. Plans and particulars relating to the Reserved Matters of landscaping, scale, appearance and layout, notwithstanding the submitted details, shall include a Green Belt Openness Assessment to be approved in writing by the Local Planning Authority. The assessment shall:*

- 1. Use the existing buildings and structures on-site, as shown in plan ref 1826-EB-01 Existing Building Volume, as the baseline for assessing the impact of the proposed development on the openness of the Green Belt.*
- 2. Include a qualitative and, where appropriate, quantitative assessment of spatial and visual openness, considering factors such as scale, massing, footprint, height, and visual permeability.*
- 3. Demonstrate how the proposed development doesn't cause substantial harm to the openness of the Green Belt in accordance with paragraph 154g) of the National Planning Policy Framework.*
- 4. Where necessary, incorporate mitigation measures to manage any identified harm to openness.*

***Reason:*** *To ensure that the impact of the proposed development on the openness of the Green Belt is properly assessed and managed in accordance with the paragraph 154g) of the National Planning Policy Framework.*

10.26 It is accepted that the openness of the site's existing development and a theoretical future development cannot be simply quantified in a neat or quantifiable manner. However, based on the submitted Structures Plan and subject to the condition detailed above, along with the further assessment to take place at Reserved Matters stage, officers are satisfied that the re-development of the site can be designed so as to not result in a greater impact on the Green Belt's openness than the current development. Accordingly, the proposed re-development of the brownfield site is considered to be appropriate development in the Green Belt, by virtue of NPPF paragraph 154(g) and Local Plan policies LP59 and LP73.

10.27 On the matter of the access into the site, as access is a consideration for this submission, detailed plans are available. Therefore, the full impact of this upon the Green Belt can be considered at this time. Currently the site has two points of access from Storthes Hall Road. Two accesses would remain, albeit modified and enlarged. Nevertheless, they would remain utilitarian road infrastructure, with no built volume being introduced as part of the access works. Officers are satisfied that there would be no material impact on openness, when considering the existing and proposed accesses, and would be appropriate development in the Green Belt under the consideration 154(g).

10.28 Regarding the eastern greenfield portion of the application site, the indicative plans suggest the following could be located in that space:

- Allotments
- Attenuation basin
- BNG enhancements
- Play area (LEAP)

Based on the details held at this outline stage, the siting of an allotment (excluding structures), which could include an orchard, and BNG enhancements, would not constitute development and would be acceptable within greenfield Green Belt land.

10.29 For the attenuation basin, while no details have been submitted, this can be assumed to require limited excavation to form a depression. It can be expected to have a natural appearance, with limited associated infrastructure (potentially needing an access track and a boundary treatment). This would amount to an engineering operation, and therefore would be appropriate development in the Green Belt under 154(h)(ii), subject to the works preserving openness. Regarding the play area, paragraph 154(b) allows for appropriate facilities for outdoor recreation within the Green Belt, again subject to them preserving openness and also not conflicting with the purposes of the Green Belt. This would need to be considered further at Reserved Matters stage, when details are available. However, officers are satisfied that neither the delivery of the attenuation basin or play area would fundamentally result in harm to openness nor conflict with the purposes of the Green Belt, if suitably designed.

10.30 NPPF paragraph 155 includes an allowance for appropriate development within the Green Belt on land that is identified as the Grey Belt (as introduced to the NPPF in December 2024). Applications are only required to demonstrate and/or adhere to one exemption to be considered appropriate within the Green Belt. Given the above assessment, where it has been concluded that the proposal is appropriate development within the Green Belt per NPPF paragraph 154(g), it is not considered necessary to assess the proposal against NPPF paragraph 155.

10.31 To summarise the above, the site is within the Green Belt. However, it is a major brownfield site that is no longer in use and that has an established impact upon the Green Belt and its openness. Both the NPPF and Local Plan acknowledge the importance of making effective use of land, and consider the redevelopment of brownfield land within the Green Belt to be an appropriate form of development, subject to ensuring new developments cause no undue harm to the Green Belt's openness. In this case, the proposal is made at outline, with the main factors that may impact upon openness (layout, appearance, scale), being reserved for later consideration. Nevertheless, based on a consideration of the site's existing impact on openness, against the likely impacts of the proposal, subject to design parameters imposed via condition, officers are satisfied that there would be no greater harm caused to openness. Therefore, the residential re-development of the site is considered to be appropriate development in the Green Belt. Other component aspects of the proposal, such as the accesses (details of which have been submitted), and use of the adjacent greenfield land for ecological enhancements, play space, and attenuation (subject to further details at Reserved Matters stage), are likewise appropriate.

10.32 Accordingly, it is considered that residential development at this Green Belt site is acceptable in principle, and outline planning permission can be granted, subject to consideration of the proposal's planning merits. Notwithstanding that only limited and indicative information has been submitted, 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 openness of the Green Belt, trees, drainage, public open space requirements, coal mining legacy, highways, neighbour amenity and other planning considerations considered later in this report) cannot be satisfactorily addressed at detailed (Reserved Matters) application stage.

*Effective and efficient use of land*

10.33 Both the Local Plan and the National Planning Policy Framework set out expectations to ensure proposals represent the effective and efficient development of land. Policy LP7 requires development to achieve a net density of at least 35 dwellings per ha (dph), where appropriate. Local Plan allocations (including MDGB1) have indicative capacity figures based on this net density figure. Policy LP11 of the Local Plan requires consideration of housing mix. These requirements are expanded upon within the council's Affordable Housing and Housing Mix SPD (March 2023).

10.34 Allocation MDGB1 has an indicative capacity of 505 dwellings, across the two component parts of the allocation. The former hospital site has a historic permission for 300 units, approved via outline permission 2012/91503 and Reserved Matters approval 2016/90711. The former hospital has a site area of 16.4ha, which represents a density of 18.3 dwellings per ha. It should, however, be noted that the southern portion's approved permission pre-dates the Local Plan, which established density targets. Furthermore, it was intended as a retirement village, and these basic calculations make no allowance for undevelopable areas of the site, nor the impact on openness which would have been assessed at the time. This does, however, add some context to the expected density at the current application site.

10.35 Subtracting the former hospital's 300 units from the allocation expected 505 would leave an indicative expectation for circa 205 units at the current application site, which the proposal would exceed. The proposed development is for 'up to 261 dwellings'. The 'up to' acknowledges that this proposal is at outline, with all matters pertinent to density (i.e., layout, scale, and appearance) reserved for later consideration. The Reserved Matters submission(s) could fall below 261 dwellings, but not go above it. At Reserved Matters stage, a substantially lower figure would need to be considered in the context of policy LP7, as to whether it represents an ineffective use of the allocation.

10.36 The application site has an area of 12.42ha, but when non-developable areas (i.e., areas of tree cover, the area of greenfield land to the northeast, and the private road along the south and west boundaries to be retained) are removed, the site has a developable area of 6.65ha. This developable area forms part of the Structures Plan. The 'up to' figure of 261, across 6.65ha, would equate to 39dph. While nominally above the 35dph figure, this in itself is not a cause for concern, subject to a detailed assessment of the proposal's local impacts, such as ensuring good urban design (at Reserved Matters stage). Subject to the merits of the proposal, there is no in-principle intrinsic harm in exceeding 35dph or an allocation's indicative density. Accordingly, the outline proposal is deemed to comply with the aims of policy LP7.

- 10.37 Policy LP11 of the Local Plan requires consideration of housing mix. LP11 requires a proposal's housing mix to reflect the proportions of households that require housing, achieving a mix of house size (2-, 3-, 4+-bed) and form (detached, semi, terrace, bungalow). The starting point for considering the mix of housing types needed across the district is the council's Affordable Housing and Housing Mix SPD (March 2023).
- 10.38 As the proposal's layout, appearance and scale are reserved matters, no detail of the proposed size or form of dwellings have been provided, and a thorough assessment cannot be carried out at this time. This would be a material consideration at Reserved Matters stage, where the applicant would be required to comply with the abovementioned SPD, or justify a departure. Nevertheless, at this time, there are considered no prohibitive reasons why appropriate details could not be provided at that time.
- 10.39 Notwithstanding the above, to provide certainty, guidance for future developers, and to ensure a suitable scheme at Reserved Matters stage, a condition requiring details of the proposed housing mix to be approved as part of the Reserved Matters is considered necessary. Subject to this condition, and a further assessment at stage, the outline submission is deemed to comply with policy LP11.
- 10.40 As an outline submission, while the final number of dwellings and their sizes are unknown, based on the available information and subject to conditions, officers are satisfied that the application would secure the ability for the site to be developed in an effective and efficient way, in accordance with policies LP7 and LP11.

*Sustainable development and climate change*

- 10.41 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions
- 10.42 The site is in a rural location, separated from town, district and local centres. However, the site has an established (albeit now vacant) use and is adjacent to a concentration of existing dwellings. Furthermore, it is near (less than 1km) to the main road network, specifically Penistone Road and within approximately 2km are various centres, including Farnley Tyas, Kirkburton, and Stocksmoor, and the facilities they provided. At least some, if not all, of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sufficiently sustainable.
- 10.43 Representations have raised that demolishing the existing buildings, to erect new houses, could be considered contrary to sustainability objectives. While it is acknowledged that the conversion of the buildings would achieve some embodied energy / carbon savings, this would be partly outweighed by the more energy efficient designs that the new dwellings would have to adhere to. Furthermore, the assessment must be made on the submitted scheme, and not a theoretical change of use.

- 10.44 The NPPF states that '*Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes* (paragraph 110).' Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, and other measures have been proposed or are recommended to be secured by condition (referenced where relevant within this assessment). A contribution towards a bus service (for a minimum of five years) has also been agreed with the applicant (detailed further in paragraph 10.181) and is recommended to be secured within the Section 106 agreement, along with improvements to the pedestrian route towards Kirkburton (considered further in paragraphs 10.70 – 10.77). Drainage and flood risk minimisation measures would need to account for climate change. These factors will be considered where relevant within this assessment.
- 10.45 Subject to further details that would be submitted at Reserved Matters stage, it is considered that residential development at this site can be regarded as sufficiently sustainable, given the facilities available in the wider area, and the measures related to transport that can be put in place by developers. 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.

#### *Minerals*

- 10.46 The site is within a wider mineral safeguarding area (surface coal reserves with sandstone and/or clay and shale). Local Plan policy LP38 therefore applies. This states that surface development at the application site would only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it. The proposal is therefore not considered to conflict with policy LP38.

#### Highway implications

- 10.47 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development would normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.
- 10.48 The NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. The NPPF continues that that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.

### *Site access and internal layout*

- 10.49 The Storthes Hall student accommodation site is currently accessed via two priority junctions onto Storthes Hall Lane, with the eastern access being entry only and the western access being exit only. The accesses are then connected via a one-way (clockwise) route through the site, which provides access to the student accommodation and its ancillary facilities (including a publicly accessible bar/restaurant).
- 10.50 The site's existing vehicle accesses to Storthes Hall Lane are to be modified and improved to facilitate the new development, including, as noted, making each two-way. These upgraded site access arrangements have been tested using swept path analysis to confirm that they can accommodate the turning movement of large vehicles, including the Kirklees design refuse vehicle, and a public service bus. The site access arrangements have also been subject to a Stage 1 Road Safety Audit (RSA), and all recommendations have been taken into account in the designs. Therefore, the site access proposals are acceptable in principle. Conditions for the delivery of both these accesses, in accordance with the details provided (with allowances for design revision), are recommended.
- 10.51 The site accesses and internal roads also provide access to other land uses within the wider Storthes Hall site (outside of the development site boundary), which include a number of sports pitches and other uses that are to be retained following development. The internal roads also previously accommodated a student bus service through the site.
- 10.52 Regarding the internal roads, as the proposals are outline only, and the layout details are indicative, the internal site layout is not being considered in detail at this stage. However, the following access strategy and requirements are anticipated, and have been taken into account in the revised site access design proposals:
- The existing separate entry and exit vehicular accesses on to Storthes Hall Lane are proposed to be converted to two-way accesses. This approach has been taken to minimise through traffic on Storthes Hall Lane, by enabling site traffic to use either access based on direction of travel, and to facilitate a two-way bus route through the site (further commentary is provided below regarding public transport access).
  - A new/upgraded two-way spine road would be provided through the site, which would provide access to the residential development and facilitate the bus route, and be designed to an adoptable standard.
  - Access to the retained uses (e.g. sport facilities) would be retained. This is likely to be via an existing section of one-way private road that runs around the perimeter of the development site. This route would be largely unaffected by the proposals and is anticipated to remain a private estate road. This route would then connect into the new two-way spine road. Existing 'on-street' parking on this private estate road, which is used for leisure purposes (e.g. walkers in the adjacent woods) and as overspill parking for the sports pitches is to be maintained.

- 10.53 The above design principles are acceptable. However, further details would need to be agreed at the Reserved Matters stage, and a suitably worded condition(s) are recommended to secure the internal layout arrangements and phasing.
- 10.54 It is anticipated that the internal spine road and other residential estate roads would be offered for adoption. However, due to the extensive tree cover within the site and other constraints (e.g. heritage assets etc), some non-standard highway features are likely to be necessary. Therefore, at the Reserved Matters stage, the applicant would need to work closely with the council's Section 38 Team to ensure that an adoptable standard layout is achieved.
- 10.55 As the development proposals are outline, it is not yet possible to determine the optimum arrangements for active travel users accessing and circulating within the site. This includes ensuring safe and suitable access arrangements are provided for key desire lines, including connections with Storthes Hall Lane (over and above those provided at the two main access points), to existing and proposed public rights of way (including KIR/61/20 on the north side of Storthes Hall Lane, and claimed route KIR/dmno app136/20 through the site and the woods to the south) and to the adjacent development site. A pedestrian/cycle link should also be provided within the site, running parallel to Storthes Hall Lane, as currently indicated on the Indicative Masterplan. Further details of active travel links and connections into and within the site should be secured by condition.

#### *Off-site Highway Works*

- 10.56 As identified in the Local Plan site allocation box '*development proposals will need to fully assess any impact on the junction of Storthes Hall Lane and Penistone Road, and if necessary include improvement to that junction*'.
- 10.57 The above requirement is due to the layout of the junction and adjacent highway network being constrained and not to current design standards. Whilst an interrogation of personal injury collision data over the most recent 5-year period has not identified any significant pattern or trends at the junction (there have been only two recorded incidents that were slight in severity), it is clear that there are operational and safety issues associated with the existing highway layout and associated features.
- 10.58 In addition to the layout issues at the Storthes Hall Lane / Penistone Road junction, there is a lack of continuous footway provision connecting Storthes Hall Lane to Penistone Road and the wider footway network in Kirkburton (leading to the various amenities and local schools). This includes the narrow bridge on Storthes Hall Lane where there is no footway, and that is not of sufficient width to allow vehicles to pass comfortably. There is also a lack of pedestrian crossing provision on Penistone Road, which is difficult to cross due to the relatively high traffic flows and speeds (a 40mph speed limit applies).
- 10.59 Therefore, in consultation with KC Highways Development Management and with input from various Kirklees Highway Authority teams (including Highway Safety and Urban Traffic Management Control (UTMC)), the applicant has now proposed a package off-site highway improvement that seek to address operational and safety issues. The scope for improvements is relatively limited due to existing highway constraints (in terms of available width and horizontal/vertical alignment). However, the measures are considered to provide significant improvements over the current situation, to the benefit of existing and future highway users.

10.60 The off-site highway improvement works are outlined below, with the following sections detailing each in turn:

- Storthes Hall Lane / Penistone Road junction (northern two-way link)
- Storthes Hall Bridge
- Pedestrian / cycle improvements on Storthes Hall Lane, Penistone Road and North Road

#### **Storthes Hall Lane / Penistone Road junction (northern two-way link)**

10.61 Existing on-street parking takes place within the vicinity of the junction, including within the junction mouth, opposite the junction, and on the initial section of Storthes Hall Lane. This parking impacts turning movements at the junction, obstructing right turners into Penistone Road, and passing traffic on Storthes Hall Lane (particularly at peak times, when queues occur on Storthes Hall lane) and Penistone Road. Therefore, 'No waiting' double yellow lines (DYL) markings are recommended at the junction, to discourage obstructive parking, which includes DYL opposite the junction, and on the initial sections of Storthes Hall Lane. The proposed DYL have been kept to a minimum, to ensure the residents of dwellings (who do not benefit from off-street parking) are not adversely affected by the proposals, and a number of formalised parking bays would be retained at the top of Storthes Hall Lane.

10.62 Junction visibility looking to the right from the Storthes Hall Lane minor arm on to Penistone Road is restricted due to the presence of the existing retaining wall, guard railing and vegetation, with a visibility splay of circa 2.4m x 25m currently available, measured to the front of the guard railing. Therefore, it is proposed to rebuild the initial section (circa 17m) of retaining wall, which would enable the guard railing (or a new parapet) to be set back to improve visibility to circa 2.4m x 37m, measured to the front of the guardrail / parapet, or 2.4m x 53m when looking over/through the new guardrail / parapet (subject to detailed design development that will aim to facilitate this).

10.63 Minor changes are proposed to the road markings on the Storthes Hall Lane arm of the junction and the ghost island right turn lane, to ease turning movements at the junction and encourage better vehicle positioning for right turners in/out of Storthes Hall Lane.

10.64 The improvements would also include a new traffic island on Penistone Road in advance of the right turn ghost island, to discourage over-taking on approach and through the right turn lane.

#### **Storthes Hall Bridge**

10.65 Storthes Hall Bridge is narrow (circa 5m wide), which restricts the two-way flow of vehicles. There is also no footway provision over the bridge or on its immediate approaches.

10.66 Improvement works have been investigated to consider how a continuous footway link can be provided over the bridge (in conjunction with other improvements linking Storthes Hall Lane and Kirkburton village centre – see separate comments below). Consideration was initially given to a single lane priority working system for vehicles over the bridge, to enable a footway to be provided. However, following initial concept designs, this option was not considered to be workable.

- 10.67 Therefore, following advice from the council's Highway Safety Team, it was determined that the only viable option to provide a footway over the bridge (without the use of third-party land), would be to provide three-way traffic signals. This would allow for shuttle working over the bridge, and operate in a similar manner to the traffic signals on the A637 in Flockton village. The operation of these proposed traffic signals has been assessed by the council's UTMC team, who have confirmed that they will be able to operate adequately in this situation. In terms of the exact traffic signal design and operation, this would be determined at the detailed design stage, utilising the latest traffic signal technology available at that time. However, it is envisaged that the signals would usually sit on an 'all red' stage, which would then change to a green signal based on an approaching traffic demand, and would be the most efficient form of operation. That said, priority would be given to traffic approaching from Penistone Road, to ensure that blocked back does not occur. This traffic signals would also be able to help manage traffic flows approaching Penistone Road, by holding back traffic away from the junction when queuing occurs.
- 10.68 The proposed traffic signals/shuttle working enables the carriageway to be narrowed over the bridge to a single lane width (3.7m), with a 1.2m wide footway provided on the south side, which would then connect to the existing footways on either side of the bridge.
- 10.69 To ensure that blocking does not occur within the vicinity of the bridge, 'No waiting' double yellow lines (DYL) markings have been recommended. However, a marked parking bay would be retained on the existing one-way section of Storthes Hall Lane adjacent to the existing dwellings, for use by visitors.

#### **Pedestrian / cycle improvements on Storthes Hall Lane, Penistone Road and North Road**

- 10.70 To support and improve pedestrian access between Storthes Hall Lane and Kirkburton village centre via North Road, the following improvements are proposed:
- On the existing one-way section of Storthes Hall Lane that connects to Penistone Road immediately north of the Spring Grove Tavern PH, the existing footway is proposed to be extended, to connect the new footway over Storthes Hall Bridge, to the start of the footway adjacent to the pub, where no footway is currently available. Due to the width of this section of highway, the footway would be reduced to a minimum of 1m for a short section. The existing footway along this section of Storthes Hall Lane is also proposed to be widened where possible. Measures to prevent pedestrians falling over the high retaining wall adjacent to the new footway would be provided (e.g. increased wall height, guard railing and/or handrail, as recommended in the Stage 1 Road Safety Audit).
  - At the junction of Storthes Hall Lane and Penistone Road, adjacent to Spring Grove Tavern PH, the new footway would be built out to narrow the junction entry, thereby encouraging lower traffic speeds of left turning traffic entering Storthes Hall Lane. Dropped pedestrian crossing facilities would be provided in this location, as well as bollards to prevent vehicles overrun of the new footway.

- A new controlled crossing (Toucan) is proposed on Penistone Road, immediately north of the North Road junction, and south of the existing fish and chip shop. The crossing has been designed to minimise impact on the parking adjacent to the fish and chip, which would still be possible on the north side of the crossing. 'Keep Clear' markings are proposed on the northbound approach to the crossing, to facilitate gaps in queuing traffic at the crossing, which would assist exiting vehicles from the North Road junction.

- 10.71 The proposed controlled crossing on Penistone Road has also provided the opportunity to assist right turning cyclists from North Road to Penistone Road. This is achieved by creating a short section of shared cycle/footway on the northwest side of North Road that links to the new controlled crossing. The controlled crossing would be provided as a Toucan crossing, which would allow cyclists to turn right on to Penistone Road, without conflict with vehicular traffic, thereby also improving safety for cyclists. It would also allow cyclists to bypass some of the traffic queuing that occurs on the North Road arm, to reduce journey times for cyclists. These measures provide an additional benefit to the scheme, which accord with the principles set out in DfT guidance (LTN 1/20 Cycle Infrastructure Design) and the West Yorkshire Vision Zero strategy, and complies with local and national planning policy objectives.
- 10.72 To facilitate the section of cycle/footway on North Road, 'No waiting' restrictions are proposed on the initial section, to ensure that parked cars would not obstruct the junction, passing traffic and the pedestrian / cycle facilities. This would result in some existing on-street parking that currently occurs on the south side of North Road being moved further to the south (by circa 30m).
- 10.73 All of the above detailed highway improvements have been subject to a Stage 1 Road Safety Audit, with all issues that were raised being addressed. Therefore, the proposed off-site highway works are considered acceptable, and are considered suitable to address existing issues on the local network, and would provide benefits to existing and future highway users, with particular emphasis on active travel users.
- 10.74 All of the above works are recommended to be secured by condition. Furthermore, each would be subject to separate Section 278 agreements and/or Traffic Regulation Orders.
- 10.75 Notwithstanding the above, officers acknowledge that concerns from local residents and Cllr Taylor have been raised regarding the 'no waiting' double yellow line (DYL) marking proposals, including concerns from adjacent property owners, some of which do not benefit from off-street parking facilities, as the proposals would result in some existing on-street spaces being affected. The DYL markings are necessary to safely provide the proposed cycle facilities.
- 10.76 It is noted that the proposed 'no waiting' markings that have been shown are indicative only (to inform the Road Safety Audit process), and would be subject to the statutory consultation process required for all traffic regulation orders (TRO), which would occur at the detailed design stage should the scheme/development progress. Therefore, the DYL information currently shown on the plans is provided for illustrative purposes only at this stage. If the proposals do progress, the impact on available on-street parking would

continue to be considered as the design develops, and the impact on local residents/occupiers would be taken into account. The proposals would also be subject to further Road Safety Audits, both at the detailed design stage (RSA2) and post implementation (RSA3) stage, to ensure that all safety issues are taken into account.

10.77 Furthermore, officers have considered the implications of the DYL. While it is accepted that some spaces would be lost, and may require certain residents to walk further to their vehicles, the following would be retained:

- Three formalised bays within the Storthes Hall Lane / Penistone Road junction mouth;
- At least 20 spaces on the east side of Penistone Road to the south of the Storthes Hall Lane / Penistone Road junction (prior to bus stop to the south);
- 5 or 6 spaces on the south side of North Road, between Penistone Road and the access to Kirkburton Hall;
- 5 or 6 spaces on the west side of Penistone Road immediately north of the proposed Toucan crossing and adjacent to the fish and chip shop.

Regardless, officers acknowledge that the loss of parking spaces immediately outside of residents' dwellings would affect those residents (as stated in the representations received), and this carries some weight in the planning balance. Nevertheless, officers consider the delivery of the cycle infrastructure reasonable and necessary, in accordance with the expectations of local and national policy which seeks to promote pedestrian and cycle movements wherever opportunities arise. Therefore, officers conclude that the public benefits of the cycle infrastructure outweigh the identified harm to residents.

#### *Sustainable transport / accessibility*

10.78 The site is relatively remote from local amenities, with the nearest significant facilities located in Kirkburton (and Highburton) village centre, which is circa 2km from the site. The gradients on route to these local amenities are also relatively steep. Therefore, development users are likely to be reliant on private motor vehicles and public transport for the majority of journeys when accessing a range of local services.

10.79 However, the facilities in Kirkburton would be accessible by more able pedestrians and cyclists. Whilst these trips are likely to be relatively low in number, the applicant has proposed a package of pedestrian improvements (as previously described), to address existing gaps in provision that would enable pedestrians to safely walk to these amenities. These improvements would be of benefit to both existing users and development occupiers.

10.80 Pedestrian access facilities have been incorporated into the site access designs. As the design of the development progresses at the Reserved Matters stage, additional pedestrian and cycle accesses and routes within the site would need to be developed to suit existing and future desire lines. High quality cycle parking and other active travel facilities would also need to be incorporated, with conditions for details to be provided recommended.

- 10.81 Regarding public transport and busses, following the closure of the student accommodation, it is understood that the student bus service has now ceased. Therefore, there are no existing bus services within the vicinity of the site, with the nearest services available on Farnley Road to the south and Penistone Road to the north. These services are beyond recommended walking distances and are also limited in terms of frequency and route choice. Therefore, to support the proposal as a sustainable location, the applicant has confirmed that they would provide funding to enable a new hourly bus service to be provided. This would include funding of £200,000 per year for five years (£1,000,000 in total), which would enable a new (or diverted / enhanced) bus service to be established. This is recommended to be secured via the Section 106 agreement. West Yorkshire Combined Authority (WYCA), who have advised on this matter, are unable to confirm the optimum bus route/service option that would be available, as this would be dependent on the wider public transport provision available at the time of implementation, which is subject to change (particularly in view of the forthcoming bus franchising changes that are taking place in West Yorkshire). Therefore, WYCA have requested that sufficient flexibility is provided within the Section 106 wording, to enable the funding to secure the best available bus service that may be achievable, and to maximise the benefit of the contribution.
- 10.82 In addition to the bus service contribution, WYCA have requested that two bus shelters with real-time displays are provided at the new bus stops within the site. The provision of these facilities would require a Section 106 contribution of £64,000, which has been agreed by the applicant. In addition to this contribution, the bus stop designs would need to be incorporated into the spine road layout, including the provision of bus boarder kerbs etc, with a condition recommended that his information be supplied at reserved matters stage.
- 10.83 Alongside the bus stop/service improvements, a Sustainable Travel Fund (STF) to promote bus usage is considered necessary. The Sustainable Travel Fund value should be based on the Residential M-Card Scheme (bus only M-Card), which is currently £511.50 per dwelling. While the final value would depend on the number of units proposed. The provision should be secured by Section 106 agreement, which has again been agreed with the applicant. for information purposes, based on the 'up to' number of 261 properties, this equates to a Sustainable Travel Fund value of £133,501.50.
- 10.84 As the development includes over 50 dwellings, a Travel Plan is required. A draft Residential Travel Plan has been submitted with the planning application, which would need to be developed further prior to occupation, and include the above Sustainable Travel Fund and associated measures that have been agreed. As such, the details of the final Travel Plan should be secured by condition, and the Travel Plan implemented upon first occupation. Kirklees Council also require a Travel Plan Monitoring Fee to be secured as part of the Section 106 agreement. For a development of this scale (classed as a 'large scale major residential development') the fee is £15,000.00 (£3,000 per year for five years), which has been acknowledged and agreed with the applicant.
- 10.85 In summary, whilst it is accepted that development users would be largely reliant on private motor vehicles and public transport, the applicant has sought to provide measures that would encourage and facilitate active and sustainable travel options where possible. These improvements are welcome, are consistent with local and national policy objectives, and would be secured via conditions and the Section 106 agreement, as referenced above.

### *Traffic generation and the local network*

10.86 Due to the site's relatively remote location, and lack of existing public transport facilities, KC Highways Development Management initially raised concerns regarding the weekday peak hour vehicle trip rates that had been utilised within the applicant's assessment. This issue has now been addressed through the agreement of revised trip rates. The agreed trip rates take into account the new bus service that is to be funded by the development (detailed above), but also takes into account that pedestrian and cycle trips are likely to be lower than more accessible sites.

10.87 The weekday peak hour trip rates and associated vehicle trips from the proposed development, based on the maximum number of dwellings envisaged (261 units) are as follows:

	<b>Arrivals</b>	<b>Departures</b>	<b>Total</b>
<b>AM Peak</b>	49	115	164
<b>PM Peak</b>	115	49	164

10.88 With regard to the distribution of the generated traffic, the applicant has utilised a traffic distribution based on existing turning proportions at the site access and on the local highway network. This approach was requested by officers to ensure a robust assessment of traffic impact was undertaken, with 80% of traffic distributed to/from the north via the Storthes Hall Lane / Penistone Road junction, and is acceptable.

10.89 Further to this, consideration has been given to traffic growth and other committed development within the area (including the adjacent approved retirement development (application 2012/91503)). This consideration also includes the net impact of the development, taking into account the existing site traffic that would cease following development.

10.90 Considering the identified traffic generation, its distribution above traffic growth with committed development, officers offer the following conclusions on the proposal's impact upon the local network:

- Junction capacity assessments have been undertaken at both improved site accesses on to Storthes Hall Lane, using PICADY modelling. These assessments have confirmed that the proposed simple priority junctions would be able to operate well within capacity, with minimal queuing and delay.
- Junction capacity modelling has also been undertaken at the Storthes Hall Lane / Penistone Road junction using PICADY modelling. Using standard modelling parameters, the modelling indicates that the junction would operate within theoretical capacity (RFC of below 1.0). However, this modelling is not considered to fully representative of the operation of the junction, due to its non-standard nature and associated operational issues (e.g. blocking that can occur for inbound/outbound vehicles, the difficult alignment for right turning traffic etc.).
- The applicant's consultants have undertaken additional sensitivity test modelling at the junction. This has been undertaken by validating the base traffic model with existing baseline queue data, to provide a more robust assessment of the junction operation. These additional

assessments, which consider a worst-case modelling scenario, indicate that the junction would operate at capacity in the weekday AM peak period (Max. RFC of 1.03), but slightly below capacity in the weekday PM peak period (Max. RFC of 0.83). The sensitivity test modelling also confirms that the worst-case queuing on Storthes Hall Lane would be 12.8 vehicles, which would not cause blocking back to the proposed three-way traffic signals at Storthes Hall Bridge (the traffic signals could also be used to help regulate this queue).

- 10.91 Based on the assessments undertaken, it is concluded that whilst additional development traffic would increase queuing and delay at the Storthes Hall Lane / Penistone Road junction, by virtue of the proposed development, the traffic impact would not be severe. Furthermore, the improvements proposed at the junction would provide practical benefits to the operation of the junction, including the improved junction visibility and other measures that would reduce the risk of blocking of turning traffic. Therefore, it is concluded that the impact of the development at the junction is acceptable.
- 10.92 The applicant has also undertaken traffic signal modelling at the three-way traffic signals at Storthes Hall Bridge and the new Toucan crossing on Penistone Road. The applicant's modelling has also been supplemented by further detailed assessments by the councils UTMC Team, using their knowledge of how the signals are likely to operate in practice. This modelling work has determined that the traffic signals would be able to function adequately, without adversely impact on the operation of adjacent junctions.

#### *Construction Access Strategy and phasing*

- 10.93 A Construction Management Plan (CMP) is required for the development and should be secured by planning condition, which must specifically include details of wheel washing facilities and street cleansing. Highway condition surveys (pre- and post-construction) and remediation are required and recommended to be secured by condition.
- 10.94 Due to the scale of development, a phasing strategy for the delivery of on-site infrastructure would be required. This would need to take into account the access requirement of the retained site uses (e.g. sports facilities etc.) and also the requirements to deliver bus service facilities within the site at a relatively early stage in the development delivery. This may require temporary access/turning facilities to be provided at various stages of the development. These matters are recommended to be secured by condition.

#### *Highways conclusion*

- 10.95 Overall, it is concluded that the proposal is acceptable with regard to the matter of access and highway impact. Subject to relevant conditions and the planning obligations specified above, it has been demonstrated that the proposed development can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that any significant impacts from the development on the transport network can be appropriately mitigated. The development would not result in a severe cumulative highway impact given the proposed mitigation. It would therefore comply with policies LP20 and LP21 of the Kirklees Local Plan and guidance within the National Planning Policy Framework.

## Urban Design and the historic environment

- 10.96 Chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP7 and LP24 are relevant to the proposed development in relation to design, as is the Council's Housebuilders Design Guide and the National Design Guide. With regard to layout, scale and appearance, policy LP24 of the Local Plan advises that good design should be at the core of all proposals in the district. It sets out a number of key principles necessary to promote good design, including ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape. It also states that the risk of crime should be minimised by enhanced security and promotes well-defined routes, overlooked streets and places. It recommends that the needs of strategically different users should be met and any new open space should be accessible, safe, located within the site and well-integrated into wider green infrastructure networks. Furthermore, policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the council's local open space standards or national standards where relevant.
- 10.97 Matters of access within the site layout, scale and appearance are not for consideration as part of this application. They are reserved for future assessment as part of a Reserved Matters submission should outline planning permission be approved. However, given the scale and nature of this proposal, the application is supported by an indicative site layout plan and a Design and Access Statement, which has been revised during the course of the planning application.
- 10.98 The first matter to consider is the known elements. Access is a consideration at this stage.
- 10.99 For the eastern access, the works are largely to take place within the existing footway and carriageway. Nominal changes to the boundary wall are proposed, to enhance sightlines, but would not result in the loss of any of the mature trees around the access. A condition securing an arboricultural method statement, to demonstrate how the trees would be protected, is recommended. The listed gate posts are to be repositioned, each moving circa 1.5m away from the other and the gate set into an open position. The heritage implications of this will be considered in greater detail in the allied Listed Building Consent application 2024/93452, but in summary, they would remain in nominally the same location and retain their overall appearance, setting, and heritage value. This conclusion is subject to the methodology of their relocation being appropriate, which would be controlled via the Listed Building Consent (if approved). Overall, the eastern access works raise no visual impact concerns.
- 10.100 The proposed western access works are more comprehensive, with the current access being closed off and the new access located circa 20m to the north. This is necessary to provide a safe access, suitable to modern standards and that can accommodate two-way traffic, without requiring parking restrictions on Storthes Hall Lane. The access works would necessitate the removal of two trees. These are T2, a category B sycamore, and a tree within G1, a category B grouping that includes silver birch, beech, oak and sycamore. The trees in question, none of which are subject to a TPO, are younger trees and are not part of the mature and well-establish tree-belt

which they are adjacent to. While their loss is a negative of the proposal, it is deemed fundamentally necessary to deliver a suitable access, with no alternative location (to the required specification) feasible. A suitable landscaping proposal, at Reserved Matters stage, is expected to off-set the tree loss. Based on the submitted Structures Plan, there is expected to be an area of open space to the immediate west of the access, where such planting could be accommodated.

- 10.101 It is noted within the submitted Arboricultural Impact Assessment that the western access works may affect T1, a substantial mature tree that benefits from a TPO and is part of the tree-belt. This is due to part of the works falling within its root protection area. The effect is not, however, expected to unduly harm the tree, or require its removal. A condition for an Arboricultural Method Statement to detail the careful workings around the tree is recommended.
- 10.102 The application is submitted with a Structures Plan which establishes parameters for the Reserved Matters submission to adhere to. Of note, this includes the demolition of most buildings on site, including the non-designated heritage asset, The Venue, and extensive tree loss within the site, and some on the boundary. The Reception Building, a non-designated asset, and The Lodge (Grade II listed), would be retained.
- 10.103 First considering the demolition of the existing buildings, excluding The Venue, this raises no concern. While not unattractive, they are of limited architectural value with little to no impact on the wider setting of the area (given the secluded nature of the site).
- 10.104 The Venue is not a listed building, but is a non-designated heritage asset. Non-designated heritage assets are buildings that have a degree of heritage significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets. In considering potential development impacts upon non-designated heritage assets, paragraph 216 of the NPPF states that:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

The site’s allocation, ref. MDGB1, states:

*Non-designated heritage assets shall be retained and reused as part of any development proposals, unless adequate justification is provided for their loss, in accordance with LP7 and LP24*

- 10.105 The Venue was originally a ward block of the now-demolished hospital complex, and dates back to the early 20<sup>th</sup> century. The applicant’s Heritage Impact Assessment offers the following summary of its heritage value:
- **Age:** The Venue is of comparatively late dating and was constructed in the early 20th century, circa 1904.

- **Rarity:** The building does not exhibit particular rarity in terms of plan form, architectural style, material treatment or technological innovation. It was constructed as one of a number of ward block and other buildings which comprised the original West Riding Asylum.
- **Architectural / artistic value:** The architectural character of the building draws upon derivative neo-classical elements, typical of the Edwardian period, although relatively simply presented with limited architectural elaboration. The design is similar to that of the original ward blocks, since demolished and the building provides evidence of the original architectural character of the Hospital complex. Much of the architectural interest of the building relates to the principal south facing façade with other elevations adopting a more functional character and showing a greater extent of alteration. Architectural interest is assessed as low-moderate in the local context. The building has no significant artistic interest.
- **Group Value:** The demolition of the majority of buildings associated with the former Hospital use has removed the historic setting to the building. The standing building has no significant intervisibility with the retained administration building and as such no group value is identified.
- **Historic Interest:** The building is considered to hold some degree of historic interest given its association with the former West Riding Asylum and as an example of the work of the prominent surveyor and architect J. Vickers Edwards. The ability of the building to illustrate this past use have however been compromised by the removal of the majority of other former hospital buildings at Storthes Hall and loss of historic setting. Historic interest in the local context is assessed as low-moderate.
- **Landmark Status:** The Venue building was detached from the main original complex and is considered to hold a lesser degree of importance to that of the central administration building. Whilst the building has some prominence in short-medium distance views from the west and south, largely related to its siting on elevated ground, it is not considered that the building holds particular landmark status.

10.106 The submitted Heritage Impact Assessment offers the following summary:

*it is concluded that The Venue building holds a low-moderate degree of architectural and historic interest in the local context. Architectural interest principally relates to the main frontage elevation with the building range to the rear showing a greater extent of modern alteration, including the infilling of the former rear courtyard space. The loss of the historic context of the building, following the demolition of the majority of the Hospital complex in the late 20th century, along with the adaptive conversion of the building to form The Venue space, has removed much evidential value*

10.107 The application acknowledges that the demolition of The Venue would result in the total loss of its significance as a heritage asset. The applicant has sought to provide justification for the demolition of The Venue, noting:

- *The relatively low assessed heritage values of The Venue building.*
- *The difficulties in securing an adaptive re-use of the building for residential purposes given the comparatively large floor-plate of the building, its scale and massing which would prevent a vertical sub-division and likely require a large number of apartment units to be constructed reducing the housing mix of the development.*
- *The work required to secure an adaptive conversion would be extensive particular in terms of internal sub-division and the remodelling required to the rear courtyard elevations.*
- *The retention of the building and land surrounding it, would lead to a significant reduction in the number of new dwellings proposed within this section of the site. This reduction would relate to not just the ability to site dwellings within the footprint of the standing building but would also impact upon the placement and alignment of estate roads and their gradients, the ability to achieve level building platforms on surrounding land and would require areas to the south of the building to remain clear of development given proximity to trees.*
- *The reduction in housing numbers and/or the housing mix of the development, particular in combination with the intention to retain the administration block, will have implications in terms of the weight to be attached to housing delivery in line with Framework guidance.*

10.108 K.C. Conservation and Design have expressed a strong concern over the loss of The Venue. While they acknowledge the above commentary from the applicant, they remain unconvinced that its retention and incorporation into the future proposal could not be accommodated.

10.109 This matter will be considered cumulative with the site's impact on trees, as set out below.

10.110 The Structures Plan also shows the extent of tree loss proposed, to identify development zones. Policy LP33 of the Local Plan advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

10.111 The tree loss proposed is as follows:

- Category A: Seven trees (all TPO), two groups (both TPO)
- Category B: 66 trees (30 TPO), seven groups (three TPO)
- Category C: 27 trees (nine TPO), 11 groups one TPO)
- **Total to be lost:** 100 trees, 21 groups

10.112 For context, the following trees are to be retained:

- Category A: 16 trees (all TPO), four groups (all TPO)
- Category B: 106 trees (103 TPO), six groups (two TPO)
- Category C: 47 trees (40 TPO), two groups (one TPO)
- **Total to be retained:** 169 trees, 12 groups

10.113 It should be noted that the proposal initially incorrectly noted a veteran tree on site. This has already been removed, and its removal does not form part of this submission.

10.114 None of the trees within the site fall within ancient woodland, although ancient woodland exists to the north, across Storthes Hall Road, and immediately to the southeast of the site. Neither ancient woodland would be directly affected by the proposal.

10.115 K.C. Trees have objected to the proposal, principally due to the extent of removal of Category A trees, with a particular concern regarding the cluster of trees to the immediate rear of The Venue. For the other trees, specifically those category B and C trees within the site, they are noted to be younger and smaller specimens, largely planted when the student village was built in the 90s, and therefore are of lesser arboricultural value, and mitigatory re-planting to offset their loss would be less contentious.

10.116 In terms of the proposal's mitigation for the identified tree-loss, this is currently unknown due to landscaping and layout being reserved matters. The indicative layout shows that streets are to be tree-lined, with up to 79 trees along the streets shown indicatively. These alone, however, would not off-set the trees to be lost, either in quality or likely quality. Opportunities for additional tree planting would therefore need to be explorable at Reserved Matters stage.

10.117 The loss of The Venue and the amount of tree-loss proposed are negatives of the proposal. However, it is a normal role of the planning system to balance complex issues and, ultimately, this is a matter for consideration in the planning balance.

10.118 Notwithstanding the concerns from K.C. Conservation and Design, planning officers acknowledge the difficulty the retention of The Venue would bring for the proposal, and welcome the applicant's agreement to keep the other non-designated heritage asset, the Reception Building. Considering the assessed limited wider heritage value of the building, officers consider the harm of its loss to be limited.

10.119 Likewise, the concerns from K.C. Trees are acknowledged. Officers have worked proactively with the applicant throughout the application process to reduce the tree loss, compared to that initially sought. It is considered that the final submission represents a suitable balance between retention, with the most substantial tree-belts in and around the site to be retained, while securing an effective and efficient development, which makes the most appropriate use of the application, in a manner that is workable for the applicant.

- 10.120 The public benefits of the proposal are set out throughout this report, but are noted to include the delivery of housing at a time of shortage, local economic activity through construction, highway improvements, and the provision of a Section 106 package of contributions as set out in paragraphs 10.159 – 10.172. Officers conclude that, in the planning balance, the public benefits of the proposal would outweigh the identified harm caused by the loss of The Venue and trees on site. Therefore, the submitted Structures Plan would form acceptable parameters for the development, in which appropriate Reserved Matters details may come forward. A condition requiring that the Reserved Matters adhere to the stipulations of the parameters plan, unless explicitly justified at Reserved Matters stage (to allow reasonable flexibility) is therefore recommended.
- 10.121 Looking beyond the Structures Plan, the specific design details of the proposal are currently unknown. An indicative layout plan has been provided which shows how the site may be developed (although this would not be listed on the council's decision letter, if outline planning permission is granted). This shows that a layout is feasible, although a much more detailed assessment would be required at Reserved Matters stage.
- 10.123 Existing dwellings in the area have varied designs, although are typically based upon traditional Pennine architecture. There are no concerns that suitably designed properties could not be accommodated on the site, nor are there any site constraints that would prevent an appropriate layout. It is accepted that topography will be a challenge at the site, given its existing levels. Nonetheless, the local settlements are characterised by their hillside locations, where topography is suitably managed and reflected in the built form's character. In this setting, there are no concerns that an appropriate design response to the levels could not be realised. Full details of any levelling and regrading works, and of any necessary retaining walls and structures, would also need to be provided at Reserved Matters stage.
- 10.124 With regard to landscaping, policy LP47 of the Local Plan refers to healthy, active and safe lifestyles and recognises that these will be enabled by a number of criteria including (a) access to a range of high quality, well maintained and accessible open spaces and (b) increasing access to green spaces and green infrastructure to promote health and mental well-being. Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, to be provided in accordance with the council's local open space standards or national standards where relevant. As noted previously, a suitably comprehensive tree-planting mitigation strategy would be required at Reserved Matters stage, to partly mitigate for the proposed tree loss, while ensuring a suitable design in the rural location that also continues to preserve openness.
- 10.125 It is accepted that the level of detail normally submitted at outline application stage is limited. Further information would need to be submitted at Reserved Matters stage to demonstrate that relevant design objectives have been met. This includes demonstrating compliance with the council's Housebuilder's Design Guide SPD, Highway Design Guide SPD, the suitable delivery of mitigatory tree-replanting, and, as detailed earlier in this report, no greater harm to the openness of the Green Belt. Details of the site's layout, elevations, house types, materials, boundary treatments, landscaping and other more detailed aspects of design would be considered at Reserved Matters stage.

At the current outline stage, however, the applicant's Structures Plan, illustrative layout and supporting information provide enough assurance that sufficient and careful thought has gone into the proposals for which outline approval is sought.

- 10.126 Given the above considerations, officers are satisfied that there are no prohibitive reasons why appropriate details of landscape, scale, appearance, or layout could not be provided at Reserved Matters stage. It is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5 and LP24 and would be sufficiently complied with.

#### Residential Amenity

- 10.127 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings. This reflects guidance at Paragraph 135 of the NPPF which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 10.128 The site is well separated from existing neighbouring dwellings. Storthes Hall Road runs along the north boundary, with further separation provided by the mature tree-belt within the site, to be retained. All distances between existing dwellings and the proposed developable areas exceed the recommended minimum distances of the council's Housebuilder's Design Guide SPD and there are no concerns that the new dwellings would result in overbearing, overshadowing, or overlooking of neighbouring properties.
- 10.129 The unbuilt dwellings approved via application 2012/91503 to the southwest of the site, in the other part of the Storthes Hall allocation, are likewise notably distant from the proposed development areas, as is the only nearby dwelling to the east, named Dale Bank (although this property is currently vacant and in an advanced state of disrepair).
- 10.130 The principle of residential development at this site is considered acceptable in relation to the amenities of neighbouring residential properties. Given the size of the site, the existing terrain and layout of adjacent dwellings, there are no prohibitive reasons why an appropriate layout could not be achieved at Reserved Matters stage which would not harm the amenity of neighbouring residents. The Reserved Matters submission would need to have regard to the guidance within the council's Housebuilders Design Guide SPD, in terms of maintaining high standards of residential amenity and providing appropriate separation distances to avoid negative impacts on light, outlook and to prevent overlooking.
- 10.131 In terms of noise generated by the development, although residential development would introduce (or increase) activity and movements to and from the site, given the quantum of development proposed, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.

- 10.132 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.133 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units.
- 10.134 Most matters pertaining to the amenity of future occupiers (such as dwelling size and separation distances between the dwellings) fall under consideration at Reserved Matters stage (i.e., layout, scale, and appearance). Again however, at this time there are no prohibitive reasons to consider appropriate details could not be submitted. Any future developer would need to consider the council's Housebuilders Design Guide SPD, when designing their proposal, with a view of providing a high standard of amenity for future occupiers.
- 10.135 The sizes (in sqm) of the proposed dwellings would be a material planning consideration at the Reserved Matters stage. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Pandemic-related lockdowns in 2020/21 and increased working from home have further demonstrated the need for adequate living space. Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's Housebuilders Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions were required to be NDSS-compliant.
- 10.136 Potential existing noise pollution is a matter which can be considered in more detail currently. However, there are considered to be no nearby significant sources of noise pollution. The volume of traffic on Storthes Hall Road is not sufficient to cause materially harmful noise pollution to future residents. To the south of the site is a hockey club and, further south, a football club. Neither of these uses are anticipated to produce significant noise (over a sustained period) to result in material harm to future occupiers, bearing in mind their infrequent use and the separation distances expected between them and the new dwellings.
- 10.137 In conclusion, while an outline application with all matters reserved (bar access into the site), officers are satisfied that in principle the development of the site would not cause harm to the amenity of existing neighbouring residents, and no prohibitive issues are applicable which would prevent those residents retaining an acceptable standard of amenity. Furthermore, there are

no fundamental reasons why future occupiers of the development would not benefit from a high standard of amenity. Ultimately this would need to be considered in more detail when relevant information is provided at Reserved Matters stage. Nonetheless, for the purposes of an outline application, officers are satisfied that the proposal complies with policies LP24 and LP52 of the Kirklees Local Plan.

#### Drainage and flood risk

- 10.138 Guidance within the NPPF advises at paragraph 181 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in policy LP27 of the Local Plan, which confirms, amongst other matters, that proposals must be supported by an appropriate site-specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the Local Plan relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be coordinated to meet the demand generated by the new development.
- 10.139 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment needed to be submitted with the application. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency was not required. However, the Lead Local Flood Authority (LLFA) and Yorkshire Water have been consulted in relation to surface water drainage.
- 10.140 Considering surface water arrangements, the applicant has followed the drainage hierarchy, with the most hierarchically preferable solution (infiltration, i.e., soakaways) being proposed. The site currently utilises soakaways, therefore they are tested on the site and are in principle acceptable. A condition is recommended by the LLFA for the submission of full details (including the final tested percolation rate and extent, if any, of on-site attenuation) at Reserved Matters stage.
- 10.141 The LLFA expressed initial concerns regarding flood routing, based on the original details submitted. Following layout being removed as a consideration, the LLFA requested that the site's existing flood routing details be provided, to establish a baseline of where flood waters would route, and any 'trouble spots' (i.e., areas prone to flooding). This has now been provided, with conditions for full flood routing details (at Reserved Matters stage) recommended.
- 10.142 There are existing public sewers managed by Yorkshire Water crossing the site. Yorkshire Water do not consider these to prohibit re-development, however they have requested that a condition be imposed requiring that development avoid the easement of these pipes, or that they be diverted (via a separate process). This is considered reasonable and officers recommend the requested condition. Regarding foul water, this is to connect to the existing combined sewer, which likewise Yorkshire Water has not objected to.

- 10.143 The current site has a private water supply. It is proposed that the new development would be served by Yorkshire Water's network. Yorkshire Water have confirmed this is acceptable in principle (subject to separate connection process). The closure of the existing supply is governed via separate legislation.
- 10.144 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. Details of temporary surface water drainage arrangements, during construction, are proposed to be secured via a condition.
- 10.145 Considering the above, subject to the proposed conditions and securing management and maintenance arrangements via the Section 106 agreement, the proposal is considered by officers and the LLFA to comply with the aims and objectives of policies LP28 and LP29 of the Kirklees Local Plan.

### Ecology

- 10.146 Policy LP30 of the Local Plan confirms that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.147 The application is supported by a Preliminary Ecological Assessment (PEA), which provides a comprehensive overview of the site's ecological characteristics. Although the site is largely dominated by built form, there are a number of ecologically valuable habitats present within the site, including scattered trees, scrub and woodland, all of which provide excellent corridors for a variety of species to access the wider landscape. This includes the southern tree belts within the site being identified as part of the Kirklees Wildlife Habitat Network. Policy LP30 (iii) of the Kirklees Local Plan details that the wildlife habitat network should be safeguarded and enhanced in order to secure its function and connectivity to the wider landscape.
- 10.148 Most of the woodland which falls within the Kirklees Wildlife Habitat Network is to be retained, with conditions for updated arboricultural impact assessments and arboricultural method statements recommended. The proposed removal of woodland that does fall within the network is not considered to materially prejudice its function. However, while a detailed road design has not been provided at this time, indicative details suggest that a degree of tree removal within the Kirklees Wildlife Habitat Network may be necessary to provide suitable access into the site (specifically the northern entrance adjacent to Lodge Cottage). Limited removal here, with suitable mitigation, is not anticipated to materially prejudice the operation of the Kirklees Wildlife Habitat Network within the site or wider area. Nonetheless, if additional tree removal is demonstrated to be essential, the impacts would be considered in greater detail at Reserved Matters stage.

- 10.149 The PEA considers the development's impact upon local species, based on survey data. Of note, the site (both buildings and mature trees) has a significant population of roosting common pipistrelle and brown long-eared bats. The mitigation proposals outlined in section 5.2 of the submitted bat survey report provide sufficient detail to ensure the favourable conservation status of the species concerned. Particularly, the compensation and enhancement measures outlined within the report would allow for a significant uplift in roosting features at the site. In terms of roost removal (for demolition or felling), an appropriate mitigation licence would need to be obtained from Natural England to permit demolition of the works to these buildings. It should be noted that Natural England would require survey information from the most recent survey season to inform any licence application.
- 10.150 K.C. Ecology have considered the submitted details and have advised that in general, the suite of surveys undertaken are suitable for the site in order to determine likely ecological impacts at outline stage. They would require updating as part of any Reserved Matters application to ensure that decisions are made using an accurate understanding of current ecological conditions.
- 10.151 The submitted details are considered sufficient for an outline (with all matters reserved) assessment. However, as noted above, officers consider it reasonable to condition an up-to-date Ecological Impact Assessment (supported by fresh ecological surveys) be provided at Reserved Matters stage (specifically layout and landscaping), to enable a thorough assessment of the final Reserved Matters details and their potential impact on the natural environment, to ensure due regard is given to protected species and local habitats. Reserved Matters applications may be received up to three years after an outline permission is granted and development commenced up to two years after the Reserved Matters are approved, therefore this approach is considered a reasonable precaution.
- 10.152 The invasive plant species Rhododendron has been identified within the site's woodland boundary. Records also indicate Japanese Knotweed has historically been present within the site, however further survey has found none present. A condition for an invasive species removal protocol is recommended.
- 10.153 A condition for a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) is recommended, to ensure construction activity is managed in an appropriate way that causes no undue harm to local habitat and species. Likewise, a condition for an external lighting strategy, to ensure no harm through lighting, particularly towards the ancient woodland, is recommended.
- 10.154 In summary, the submitted document demonstrates that the site can be developed without causing undue harm to local ecology. This is subject to the recommended conditions.

*Biodiversity net gain*

- 10.155 The submission of this application pre-dates the mandatory 10% net gain requirement imposed by the Environment Act 2021. Regardless, policy LP30 of the Kirklees Local Plan is applicable, and has a similar requirement for net gain to be secured, with 10% being the expected figure.

- 10.156 The application is supported by an appropriate baseline calculation. As an outline submission, with all pertinent matters reserved (layout and landscaping), complete calculations which show how a 10% improvement would be secured on site (or nearby) post development cannot currently be undertaken. Nevertheless, the applicant has undertaken an indicative assessment (based on the indicative layout) which suggests that a net gain of 10% may be achievable within the site. This is welcomed.
- 10.157 The site's baseline and the indicative assessment establishes a starting point and identifies no prohibitive reason why a reasonable on-site future net gain, close to 10%, cannot be secured. A condition is recommended requiring the Reserved Matters (of layout and landscape) to demonstrate how a biodiversity net gain would be secured on site, alongside the submission of an Ecological Design Strategy to demonstrate how on-site provisions would be provided. A net gain requirement is also recommended to be secured within the Section 106 agreement, given that it may include a future financial element if the full 10% net gain cannot be secured on-site.
- 10.158 It is considered possible to develop the site for residential use while providing the required biodiversity net gain, in accordance with relevant local and national policy, including Local Plan policy LP30 and chapter 15 of the NPPF.

#### Planning obligations

- 10.159 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 planning permission be granted, Officers recommend that this application should be subject to a Section 106 agreement to cover the following:

#### *Affordable Housing*

- 10.160 Policy LP11 of the Local Plan and the council's Affordable Housing and Housing Mix SPD requires major developments (of 10+ dwellings) to contribute 20% of total units as affordable housing. For this site, a 20% contribution of 261 units would be 52 units. However, it should be noted that 261 units is a maximum, with the exact number unknown at this stage, to be determined at Reserved Matters submission.
- 10.161 Furthermore, the applicant has put forward a Vacant Building Credit argument. As per the PPG:

*National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.*

- 10.162 The first step for assessing Vacant Building Credit is to determine what buildings are 'vacant'. 'Vacant' and 'abandoned' are two distinct states, with none of the buildings on site considered to be abandoned.
- 10.163 At the time of submission, approximately 40% of the site's buildings were vacant, or circa 9,700sqm. During the course of the application the remainder of the site has been vacated, and the applicant argued this should be considered, which officers disputed. Officers conclude that not all the buildings on site may be considered vacant.
- 10.164 While the final floorspace of the proposal is unknown, as set out within paragraph 10.19, the floorspace of the dwellings (to be confirmed at Reserved Matters stage) is not expected to materially exceed the existing development's floorspace. To give both the applicant and the council confidence for the Reserved Matters stage and the progression of the development, in acknowledgement of the buildings on site accepted as vacant by officers, it has been proposed by officers and the applicant that a figure of 10% affordable be provided (or 26 units, for a 261-unit scheme). This requirement would be secured by means of a Section 106 agreement with details of the location of these units provided within the Reserved Matters submission.
- 10.165 In terms of tenure split, the council's starting point is a 55% social or affordable rent and 45% intermediate housing (including 25% first homes). At this time there are no grounds to deviate from this split, however, in the interest of retaining flexibility at Reserved Matters stage, the ability to provide a justification for a departure from this split is recommended to be included in the provision.
- 10.166 Turning to the affordable housing mix (i.e., number of bedrooms), this would need to be determined at Reserved Matters stage as part of the layout. Officers would expect the offer to adhere to the recommended housing mix set out within the council's Affordable Housing and Housing Mix SPD (or, as revised), although, as set out above, it is likewise considered reasonable to allow for justification for a departure to be submitted, if suitable evidence is provided.
- 10.167 Overall, by virtue of the Vacant Building Credit allowance, the proposed affordable housing offer of 10% is considered acceptable and meets the objectives of policy LP11 and the council's Affordable Housing and Housing Mix SPD, subject to further details to be provided at Reserved Matters stage.

#### *Public Open Space*

- 10.168 On-site provision would be assessed at Reserved Matters stage. An off-site contribution (the amount to be confirmed at Reserved Matters stage) would be needed to address shortfalls in specific open space typologies.

#### *Ecological net gain*

- 10.169 As detailed in paragraphs 10.156 and 10.157, the applicant has provided indicative technical details to demonstrate that the delivery of 10% net gain is achievable on site. However, as these details are indicative and based on assumptions that may change at Reserved Matters stage, it is considered prudent to secure a route / requirement for a financial off-setting contribution at this time, should the 10% on-site net gain not be achieved or achievable.

### *Education*

10.170 Education contribution calculations require knowledge of the final number of units. This financial contribution is therefore to be calculated with reference to number of units proposed at Reserved Matters stage, unit sizes, and the most up to date projected pupil numbers.

### *Highways (sustainable travel)*

10.171 As set out in paragraphs 10.78 – 10.85, the following highways associated contributions are considered necessary to facilitate the proposal:

- Bus service provision: £200,000 x five years (£1,000,000 total)
- Bus infrastructure: £64,000
- Sustainable travel fund: £511.50 x final number of dwellings
- Travel plan monitoring: £15,000

### *Management and Maintenance*

10.172 Clauses are required to ensure appropriate arrangements are in place for the ongoing management and maintenance of certain features on the site. This includes arrangements for the management and maintenance of drainage infrastructure (prior to adoption by a statutory undertaker) and Public Open Space on site in perpetuity, and any on-site Ecological Net Gain features for a minimum of 30 years.

### Other Matters

#### *Air quality*

10.173 The application is supported by an Air Quality Impact Assessment (AQIA). This has been reviewed by K.C. Environmental Health in accordance with West Yorkshire Low Emission Strategy (WYLES) Planning Guidance.

10.174 The site is not within an Air Quality Management Area, nor near to any roads of concern. The report concludes that future pollutant concentrations at the proposed development site are likely to be below the national air quality objectives in relation to Nitrogen Dioxide (NO<sub>2</sub>), and Particulates (PM<sub>10</sub> and PM<sub>2.5</sub>) and therefore “negligible” in accordance with the relevant guidance. It considers that the site is suitable for the proposed residential use.

10.175 Notwithstanding this, in accordance with WYLES guidance, all developments are required to incorporate measures to mitigate air quality harm. Those proposed are:

- 1 electric vehicle (EV) charging point per unit (dwelling with dedicated parking) or 1 charging point per 10 spaces (unallocated parking);
- Travel Plan;
- Improved pedestrian links to public transport stops;
- Provision of bus infrastructure including stands, shelters, bus gates, and information displays;
- Provision of resident Low Emissions Vehicle (LEV) purchase support as an alternative to Metrocard with time limited uptake;

- Site layout to include improved pedestrian pathways to encourage walking;
- Improved convenient and segregated cycle paths to link to local cycle networks; and
- Provision of storage and support for cycle purchase or hire.

10.176 These mitigation measures are welcomed and would need to be secured. Several of the above have been recommended to be secured via condition and/or within the Section 106 agreement elsewhere within this report.

10.177 Due regard has also been given to air pollution during the construction phase, principally regarding dust generated by construction. The report concluded that there is the potential for air quality impacts because of fugitive dust emissions from the site, from earthworks, construction and track-out. The report goes on to say that these impacts are considered to be temporary and short term and can be controlled by the implementation of good practice dust control mitigation during construction, the implementation of which may be secured via condition (specifically the previously recommended Construction Environmental Management Plan).

10.178 Subject to the recommended conditions, officers are satisfied that the proposal would not harm local air quality, nor would new residents suffer from existing poor air quality, in accordance with policy LP51 of the Kirklees Local Plan.

#### *Stability and contaminated land*

10.179 The site is within the designated 'Low Risk' area for legacy coal issues, therefore a Coal Mining Risk Assessment and consultation with the Mining Remediation Strategy has not been required.

10.180 In accordance with Local Plan policy LP53, as a major residential development is proposed, consideration of ground contamination is required. Furthermore, council records indicate the adjacent site as being potentially contaminated due to its historic use.

10.181 K.C. Environmental Health and officers are satisfied that there are no fundamental concerns regarding contamination, given much of the site has hosted a residential use for some time, subject to conditions being imposed relating to further investigation and remediation / validation as required. Subject to the imposition of these conditions, officers are satisfied that the proposal complies with the aims and objectives of policy LP53.

#### *Crime Mitigation*

10.182 The West Yorkshire Police Designing Out Crime Officer has made a number of comments and recommendations, particularly with regard to home security, rear access security and boundary treatments. Where these fall within the remit of planning, they predominantly relate to the Reserved Matters of layout and landscape (including regarding boundary treatments). A condition is therefore recommended requiring details of crime mitigation measures to be provided at Reserved Matters stage, while a condition for details of site lighting may be provided prior to lighting installation. With this secured, it is therefore considered that the site can be satisfactorily developed whilst minimising the risk of crime through enhanced security and well-designed security features in accordance with Local Plan policy LP24(e).

## *Training and apprenticeships*

10.183 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers will be approaching the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being routinely secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

## Representations

10.184 The following are responses to the matters raised within the public representations received, which have not been previously addressed within this assessment.

### *General / other*

- Inadequate master-planning between this site, and the adjacent part of the allocation, has been undertaken and therefore opportunities for cumulative provisions missed.

**Response:** It is acknowledged that a master-plan linking the two halves of the allocation has not been provided, contrary to the Local Plan's allocation expectation. It is understood that there is no working relationship between the two landowners / applicants. However, given that the southern half of the allocation already has permission, which did not include a masterplan linking the northern section at the time, on balance it was considered unreasonable to impose this one-sided requirement on the applicant.

- Concerns however how the planning application has been advertised, with limited notice given regarding the Penistone Road / North Road works.

**Response:** The applicant's publicity has been undertaken in accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and the council's Development Management Charter (December 2024).

- Application 98/93583 at the site was refused on various grounds, including reliance on private cars, harm to local infrastructure, inadequacy of roads, harm to local residents, and harm to landscape.

**Response:** The proposals are materially different, submitted a notable period apart and assessed against materially different local and national policy. The past decision therefore carries little to no weight in this application process.

- Questioning the value of local spend during the construction period.

**Response:** This has not been quantified as part of the application.

- A shop should be provided on site.

**Response:** There are no planning policy grounds which necessitate the provision of a shop in this location.

- The proposal will harm local property values, which residents will seek to recoup from the council.

**Response:** This does not form a material planning consideration.

- The local area has inadequate local services, including doctors, schools, dentists.

**Response:** There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, Kirklees Local Plan Policy LP49 identifies that Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP 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. Therefore, whether additional funding would be provided for health care is based on any increase in registrations at a practice. With regard to schools, an education financial contribution is to be secured.

#### *Urban design*

- Object to the demolition of The Venue and Reception Building, which are heritage assets. They should be kept as a community / commercial space.

**Response:** During the course of the application the proposal has been amended to retain the Reception Building. The loss of The Venue is considered in paragraphs 10.1 – 10.2.

#### *Amenity*

- No assessment of traffic noise impacts has been undertaken: there is a growing recognition of the associated health effects.
- The proposed works, specifically the new accesses into the site and the increase in traffic, will cause noise and air pollution, harming local residents.

**Response:** The traffic attributed with the development is not considered by officers or colleagues in K.C. Environmental Health to be a noise pollutant that would materially harm the amenity of local residents. Likewise, the proposal's impacts on air pollution have been considered and found to be acceptable in paragraphs 10.1 – 10.2 of this report.

#### *Highways*

- Dispute the submitted Transport Report and its findings, particularly the traffic generation identified and impact on local junctions.

**Response:** The findings of the Transport Assessment have been reviewed by HDM and are accepted, which includes the traffic generation information that has been utilised.

- The changes on Penistone Road / North Road will harm the business of Spring Grove Fisheries, through adding congestion and limiting staff / customer parking nearby.

**Response:** While it is acknowledged the double yellow lines will be sited near to the identified business, officers have identified a minimum of five on-site spaces being retained in the immediate vicinity of the business and consider this to be reasonable.

- Storthes Hall Lane is a dangerous road and the proposal will exacerbate this. A fatality on Storthes Hall Lane in 2021 has been left out of the Collision Data Analysis.

**Response:** Over the last six years there have been a total of five slight incidents on Storthes Hall Lane over its 2km length, between the Penistone Road and Farnley Road junctions (inclusive of incidents at all junctions), which does not identify any significant incident clusters, patterns or trends. The fatal incident that has been mentioned occurred in 2021 on Penistone Road, further to the north of the Storthes Hall Lane junction. This incident is understood to have involved a pedestrian walking in the road at night being struck by a passing vehicle. This incident has been taken into account in the design and assessment of the proposals, including the applicants proposal to improve the pedestrian facilities in the local area, including the new controlled crossing on Penistone Road.

- A council highway improvement scheme to the Penistone Road / North Road junction caused problems. These works made turning left at the junction, onto Penistone Road, harder. This should be fixed, not the proposed additional cyclists works.

**Response:** The comments are noted. However, the Highway Authority do not consider that any further changes are necessary in relation to the previous highway improvement scheme. Furthermore, the development proposals (and associated highway works) will have no impact on left turning traffic from North Road to Penistone Road, so this matter does not relate to the proposed development.

- The speed limit on Penistone Road should be lowered to 30mph, as a preferable safety improvement. Why has this not been considered?
- Storthes Hall Lane should reduce to 30mph between the proposed access points, currently there is no speed monitoring and drivers often exceed 40mph.

**Response:** The 40mph speeds limits on Storthes Hall Lane and Penistone Road have been set based on Department for Transport (DfT) Speed Limit assessment criteria; and have been confirmed to be the appropriate limits based a recent independent speed review across the Kirklees highway network. The proposed development will not result in any sufficient changes to the character of these roads, including no increase in direct frontage development, that would support a change in the speed limits when they are assessed against the DfT criteria.

- The cycle works don't comply with Local Transport Note 1/20 (LTN 1/20), as it will place cyclists into unintuitive locations, the route is too narrow, and in conflict with pedestrians, and involves coming on and off the road, which should be avoided. Cyclists won't use these facilities; they'll just stay on the road.
- Cyclists in the middle lane (cycle turning lane) will be overly exposed to traffic, and at greater risk of being hit.

**Response:** The proposed cycle works comply with the principles of Local Transport Note LTN 1/20, providing safer and more convenient facilities for cyclists to turn right on to Penistone Road from North Road. The guidance contained within LTN 1/20 has been used to inform the design, which includes the cycle right turn lane and associated protecting island that is an identified option in the design guidance. The works have been subject to an independent Stage 1 Road Safety Audit that has not identified any safety problems relating to the design principles of the scheme.

- The proposed toucan crossing on Penistone Road is too close to the junction and will cause accidents.
- The proposed alteration to the bridge on Storthes Hall Lane, including the introduction of lights and narrowing the carriageway, does not consider the impacts on local businesses, that operate large vehicles and HGVs, local tractor traffic, or coaches heading towards the local sports pitches (adjacent Storthes Hall campus). The proposed narrowness does not consider the size of vehicles that will be using it.
- The proposed off-site works will likely force cars to park in unsafe locations, narrowing the road and obstructing visibility for drivers, cyclists, and pedestrians

**Response:** The Toucan crossing has been located in the most appropriate location and complies with national design guidance. It has also been subject to an independent Stage 1 Road Safety Audit that has not identified any safety problems relating to its location.

The proposed alterations at the bridge have been designed taking into account adjacent businesses and properties. This includes testing using swept path analysis of HGV's and buses.

The proposed works will not force drivers to park in unsafe locations. The opposite would be the case, with the measures designed to improve visibility and discourage obstructive parking.

- The road between the Storthes Hall Bridge and Penistone Road should be widened, as it is currently narrow and causes vehicle conflict.

**Response:** Due to highway boundary constraints, road widening is not a feasible option.

- Questions whether the proposal includes repairing local potholes and surface issues on the road.

**Response:** It is beyond the remit of this application to fix pre-existing issues. However, a condition for pre- and post-development road surveys has been recommended, to ensure any damage caused throughout the development process, reasonably attributed to construction traffic, is remediated.

- The local road network cannot accommodate the additional vehicle movements associated with the proposed development. A recent study by the RAC advises that 70% of those living in rural areas use cars to commute.
- The site is a remote location and does not provide good access to public transport. Therefore, it is not a sustainable location. Sites can only be considered Grey Belt if they are sustainable.

**Response:** It is acknowledged within the report (paragraph 10.78) that development users are likely to be reliant on private motor vehicles and public transport for the majority of journeys when accessing a range of local services.

As set out within the report, the proposed development is not being assessed against Grey Belt policy. Nevertheless, as per the recommendation, a £1,000,000 contribution has been agreed to secure a bus service, for a minimum of 5 years, to improve the sustainable measures on site.

- How will bins be collected if double yellow lines are outside of houses.

**Response:** Double yellow lines do not prevent waste collection vehicles stopping. It is also noted that no loading restrictions have been suggested. Therefore, loading would still be permitted where double yellow lines have been shown (for indicative purposes, and subject to formal TRO process in due course).

- The proposal will remove car parking for the sports pitches, leading to parking on Storthes Hall Lane.
- Questioning whether there will still be access to the sports facilities, and a link to PROW KIR/210/10.

**Response:** It is understood that users of the sport pitches park(ed) on the private road that circulates around the site's southern boundary. This is to remain, however, would be a private matter between the applicant and third parties.

Access to the sports facilities will remain (subject to any private arrangement between land owners), with the road running along the site's southern boundary, leading to the sports pitches, to be retained. A potential link to PROW KIR/210/10 would be a matter for reserved matters stage.

#### *Drainage*

- The development will lead to pollution entering the local water network, causing harm to the environment and local species.

**Response:** This matter will be considered through the technical drainage design process (secured via condition) and, if sought to be adopted, the Yorkshire Water adoption process.

## **11.0 CONCLUSION**

- 11.1 The National Planning Policy Framework (NPPF) has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

- 11.2 The site is a housing allocation within the Local Plan, although it is within the Green Belt. While development in the Green Belt is restricted, both the Local Plan and NPPF have allowances for the re-development of such brownfield sites within the Green Belt. The pertinent test is whether the proposal would have a greater impact upon openness. In this case, while the proposal is at outline stage, all design matters reserved (layout, appearance, scale, and landscaping), sufficient detail has been provided to demonstrate a suitable re-development can take place (to be detailed at Reserved Matters stage) which would not have a greater impact upon openness than the existing development on site. Furthermore, there are no fundamental reasons why a suitable density and housing mix could not come forward, and the principle of developing this site for a residential use is accepted.
- 11.3 Access is a material consideration. Adequate access to the site from Storthes Hall Lane has been demonstrated, along with necessary improvements including to the Penistone Road / Storthes Hall Lane junction.
- 11.4 The site has constraints in the form of adjacent development, topography, drainage, and other matters relevant to planning. These constraints have been sufficiently addressed by the application, or will be addressed at Reserved Matters stage or via conditions and the Section 106 agreement.
- 11.5 Considering the local impact, the proposal is outline with all matters reserved but access. Based on the provided details, there are considered no prohibitive reasons why an acceptable subsequent application for the Reserved Matters of landscape, scale, appearance and layout, based on the indicative details provided, may not be provided.
- 11.6 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. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute a sufficiently sustainable development and accordingly, it is recommended for approval, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)**
1. Standard OL condition (submission of Reserved Matters)
  2. Standard OL condition (implementation of Reserved Matters)
  3. Standard OL condition (Reserved Matters submission time limit)
  4. Standard OL condition (Reserved Matters implementation time limit)
  5. Details of phasing to be submitted and approved
  6. Development to be done in accordance with submitted plans
  7. Reserved Matters (all) submission to include a report detailing proposal's impact on the Green Belt's openness
  8. Reserved Matters (all) submission to include a report detailing climate change considerations within the design
  9. Reserved Matters (layout, scale, appearance) submission to include details of housing mixture and sizes

10. Reserved Matters (all) submission to adhere to the stipulations of the parameters plan, unless explicitly justified (to allow reasonable flexibility).
11. Reserved Matters (all) submission to include crime mitigation strategy
12. Reserved Matters (all) submission to include updated Arboricultural Survey and Impact Assessment
13. Arboricultural Method Statement to be submitted and approved.
14. Limitations on development subject to public sewer easement, unless sewer diverted
15. Construction Environmental Management Plan
16. Construction Environmental Management Plan: Ecology
17. Contaminated land investigation and as appropriate remediation / validation works
18. Reserved matters (layout and landscaping) submission to be supported by up-to-date EclA
19. Reserved Matters (layout and landscape) to include up-to-date net gain assessment
20. Ecological Design Strategy to provide details of how net gain to be delivered
21. Lighting design strategy to be submitted and approved
22. Invasive species removal protocol to be submitted and approved
23. Site accesses to be implemented
24. Surfaces to be sealed and drained
25. Off-site Highway Works Implementation
26. Internal Estate Streets and Active Travel links to be agreed at Reserved matters stage
27. Footpath and active travel links into and with the site to be agreed at Reserved Matters stage
28. Highway Structures Conditions
29. Details of secure cycling to be provided
30. EV Charging Points to be provided
31. Fully detailed Travel Plan to be provided
32. Temporary and permanent waste collection arrangements to be agreed and implemented
33. Highway Condition Surveys and Remediation to be agreed and implemented
34. Technical drainage details, with management and maintenance arrangements, to be submitted and approved.
35. Soakaway testing to be submitted and approved.
36. Flood routing details to be submitted and approved
37. Temporary surface water management details to be submitted and approved
38. Submitted Air Quality Mitigation Measures to be implemented

## **Background Papers**

### Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2023%2f93667>

### Certificate of Ownership

Certificate B signed.