

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) – SECTION 70**

**DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS**

**Reference No:** 2021/60/90887/W

**Site Address:** Land west of, Lidget Street, Lindley, Huddersfield,  
HD3 3JB

**Description:** Outline application for erection of residential  
development

**Recommending Officer:** Ellie Worth

**DECISION – S106 Outline Permission – Approve**

**I hereby authorise the approval of this application for the reasons set out in the officer's committee report and recommendation annexed below in respect of the above matter.**

*Victor Grayson*

**AUTHORISED OFFICER**

**Date: 29-Apr-2022**

## **Delegated Officer Report for application 2021/90887 following Huddersfield Sub Committee on the 17<sup>th</sup> June 2021.**

### **Site and surroundings:**

The application relates to a parcel of land, 0.78 hectares in size, to the west of Lidget Street, Lindley. The site's topography is fairly flat, with access being taken from the North east.

The site has been cleared of previous development and therefore currently appears as unkempt grassland with areas of hardstanding remaining. Tree Preservation Orders protect several trees along the western edge of the site and along the vehicular entrance. The public footpath Field Tops (HUD/365/10) runs along the site's west boundary, connecting Plover Road with St. Stephen's Fold.

Surrounding the site are buildings in residential, commercial and religious uses, along with an allotment facility immediately to the south. There are also several Listed Buildings within close proximity to the site, including St. Stephen's Church and the Manor House Lindley, both of which are Grade II Listed.

### **Proposal:**

The planning application is submitted in outline with all matters (access, scale, layout, appearance and landscaping) reserved for subsequent approval. As such, this application seeks permission for the principle of residential development only.

No indicative site layout plan has been submitted, nor has an indicative number of units been suggested by the applicant. The indicative access is from Lidget Street, partly shared with Woodlands at 1B Lidget Street (a residential institution) and the Manor House (restaurant and hotel) to the north and north east respectively.

### **Committee resolution:**

The members of the Huddersfield Planning Sub Committee on 17<sup>th</sup> June 2021 resolved the following for the application –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to:

1. Complete a list of conditions, including those contained within this report, and to secure a Section 106 agreement to cover the following matters:

- 1) Approval of Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be sought before development commences.
- 2) Plans and particulars relating to Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.
- 3) Application for Reserved Matters to be submitted within three years.

- 4) Development to be carried out in accordance with approved plans and specifications.
- 5) Submission of an Ecological Impact Assessment (EclA) with demonstration how the proposals will deliver a measurable biodiversity net gain of at up to 10% and development in accordance with EIA recommendations.
- 6) Submission of a Phase 1 Preliminary Risk Assessment.
- 7) Submission of a Phase 2 Intrusive Site Investigation Report.
- 8) Submission of a Remediation Strategy.
- 9) Implementation of a Remediation Strategy.
- 10) Submission of a Validation Report.
- 11) Provision of Electric Vehicle Charging Points.
- 12) Work to be carried out in accordance with the Council's set construction site working times.
- 13) Details of storage, bin presentation points and access for collection of wastes from the dwellings to inform the Reserved Matters of 'access' and 'layout'.
- 14) Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction.
- 15) Construction Management Plan, including point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.
- 16) Proposed design and construction details for all new surface water attenuation tanks/pipes/manholes located within the proposed highway footprint.
- 17) A scheme detailing the proposed internal road layout (to an adoptable standard).
- 18) Full detailed drainage design detailing foul, surface water and land drainage.
- 19) Full details of the proposed means of managing surface water during the construction period including silt management to prevent blocking up of drainage systems.
- 20) Full detailed design of site levels including flow routing from the site including consideration of overland flow paths from drainage and gully bypass.
- 21) Noise assessment report and mitigation scheme.
- 22) Submission of Travel Plan.
- 23) Tree survey and impact assessment and arboricultural method statement.
- 24) Measures to promote carbon reduction and enhance resilience to climate change.
- 25) Full details of an invasive species management plan.
- 26) Full details of a Construction Environmental Management Plan.

2. Secure a Section 106 to cover the following matters:

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

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

## **Policy**

The relevant policies applicable to the application 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
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment
- LP35 – Historic environment
- LP47 – Healthy, active and safe lifestyles
- LP49 – Educational and healthcare needs
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP63 – New open space
- LP65 – Housing allocations

### Supplementary Planning Guidance / Documents:

Relevant guidance and documents are:

- Highways Design Guide Supplementary Planning Document (2019)

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Housebuilder Design Guide SPD.

## Assessment

At the sub-committee the application was approved in line with the aforementioned conditions. However, these have been re-worded and altered slightly which is allowable under the committee resolution as members of the committee delegated approval of the application to Head of Planning and Development to issue the decision. It is also considered that the amended wording would ensure that the conditions are precisely worded to allow it to be appropriately enforced if necessary, meeting the conditions set out in the NPPF.

A summary of the conditions is outlined below:

1) Approval of Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be sought before development commences.  
*Comment: This condition has been retained.*

2) Plans and particulars relating to Reserved Matters details of Access, Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.  
*Comment: This condition has been retained.*

3) Application for Reserved Matters to be submitted within three years.  
*Comment: This condition has been retained.*

4) The development shall commence within two years of the Reserved Matters application.  
*Comment: This is a new (standard) condition in which was missed from the list of conditions identified within the Officers committee report.*

5) Development to be carried out in accordance with approved plans and specifications.  
*Comment: This condition has been retained but has now become condition 5 instead of condition 4.*

6) Submission of a construction environmental management plan (CEMP)  
*Comment: This condition has replaced condition number 26, as it is better placed with all of the other biodiversity conditions.*

7) Submission of a Biodiversity Enhancement and Management Plan (BEMP)

*Comment: This condition has replaced condition number 5 (the submission of an Ecological Impact Assessment (EclA) and has been broken down into two conditions (7 and 8).*

8) Submission of a Biodiversity Gain Plan (BGP)

*Comment: This condition has replaced condition number 5 (the submission of an Ecological Impact Assessment (EclA) and has been broken down into two conditions (7 and 8).*

9) Submission of a Phase 1 Preliminary Risk Assessment

*Comment: This condition is to be retained but now forms condition 9 rather than condition 6.*

10) Submission of a Phase 2 Intrusive Site Investigation Report.

*Comment: This condition is to be retained but now forms condition 10 rather than condition 7.*

11) Submission of a Remediation Strategy.

*Comment: This condition is to be retained but now forms condition 11 rather than condition 8.*

12) Implementation of a Remediation Strategy.

*Comment: This condition is to be retained but now forms condition 12 rather than condition 9.*

13) Submission of a Validation Report.

*Comment: This condition is to be retained but now forms condition 13 rather than condition 10.*

14) Provision of Electric Vehicle Charging Points.

*Comment: This condition is to be retained but now forms condition 14 rather than condition 11.*

15) Details of storage, bin presentation points and access for collection of wastes from the dwellings.

*Comment: This condition is to be retained but now forms condition 15 rather than condition 13.*

16) Details of temporary waste collection arrangements to serve occupants of completed dwellings whilst the remaining site is under construction

*Comment: This condition is to be retained but now forms condition 16 rather than condition 14.*

17) Construction Management Plan, including point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site.

*Comment: This condition is to be retained but now forms condition 17 rather than condition 15.*

18) Scheme detailing the layout, construction specification, and programme of works for the access to the development and the former children's home and details of internal roads, footways, margins, turning and an appropriate Road Safety Audit.

*Comment: This is a new condition which was missed from the long list identified within the Officers committee report.*

19) A scheme detailing the proposed internal road layout (to an adoptable standard)

*Comment: This condition is to be retained but now forms condition 19 rather than condition 17.*

20) Full detailed drainage design detailing foul, surface water and land drainage

*Comment: This condition is to be retained but now forms condition 20 rather than condition 18.*

21) Details regarding surface water drainage.

*Comment: This is a new condition which is more specific/up to date than those identified within the committee list.*

22) Assessment of the effects of 1 in 100 year storm events.

*Comment: This is a new condition which is more specific/up to date than those identified within the committee list.*

23) Details of temporary surface water drainage at the construction phase.

*Comment: This is a new condition which is more specific/up to date than those identified within the committee list*

24) Noise assessment report and mitigation scheme

*Comment: This condition is to be retained but now forms condition 24 rather than condition 21.*

25) Submission of Travel Plan

*Comment: This condition is to be retained but now forms condition 25 rather than condition 22.*

26) Tree survey and impact assessment and arboricultural method statement

*Comment: This condition is to be retained but now forms condition 25 rather than condition 23.*

27) Measures to promote carbon reduction and enhance resilience to climate change

*Comment: This condition is to be retained but now forms condition 27 rather than condition 24.*

The updated conditions have been agreed in writing with the agent on the 7<sup>th</sup> March 2022.

The necessary Section 106 agreement was completed on 19<sup>th</sup> April 2022.

Dated: 26<sup>th</sup> April 2022.