



**JohnsonMowat**

Planning & Development Consultants

**UBRIQUE INVESTMENTS LTD**

**STORTHES HALL, STORTHES HALL LANE,  
KIRKBURTON, HD8 0WA**

**HOUSING ALLOCATION MDGB1**

**OUTLINE PLANNING APPLICATION FOR THE PROPOSED DEMOLITION OF  
BUILDINGS AT STORTHES HALL AND CONSTRUCTION OF UP TO 261  
RESIDENTIAL DWELLINGS AND REDEVELOPMENT OF THE LODGE COTTAGE  
FOR A RESIDENTIAL USE AND ASSOCIATED WORKS ON LAND SOUTH OF  
STORTHES HALL LANE (THE MATTER OF ACCESS AND LAYOUT FOR  
DETERMINATION ONLY)**

**PLANNING CASE REPORT  
(INCLUDING CLIMATE CHANGE STATEMENT)**

**DECEMBER 2023**



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Ubrique Investments Ltd  
Storthes Hall, Kirkburton, HD8 0WA

Planning Case Report

Date: 11 December 2023

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## LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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- a) the date on which this assessment was undertaken; and
- b) the date on which the final report is delivered.

Johnson Mowat Planning Ltd makes no representation whatsoever concerning the legal significance of its findings or to other legal matters referred to in the following report.

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## 1.0 INTRODUCTION

1.1 This Planning Case Report has been produced in support of an Outline planning application for the residential development of up to 261 no. dwellings and associated works in relation to land at Storthes Hall, Storthes Hall Lane, Kirkburton, HD8 0WA (the Site).

1.2 The application is submitted on behalf of the Applicant, Ubrique Investments Ltd, who own and intend to redevelop the Storthes Hall student campus site as per the Kirklees Local Plan designation MDGB1 and associated Local Plan policies LP59, and LP73. The matters of access and layout are sought for consideration at this stage with all other matters reserved.

1.3 The application description is as follows:-

*“Outline planning application for Proposed demolition of buildings at Storthes Hall and construction of up to 261 residential dwellings and redevelopment of the Lodge cottage for a residential use and associated works on land south of Storthes Hall Lane”*

1.4 The Site does not fall within any identified settlement, it is a standalone major developed site in the Green Belt and designated for housing under reference MDGB1 in the adopted Kirklees Local Plan (February 2019). Storthes Hall is unique within Kirklees as despite its housing allocation, it remains within the Green Belt, with Policy LP59 setting out that the redevelopment of Storthes Hall will be required to limit its impact on the Openness of the Green Belt.

1.5 The Site is currently operational as a student campus with associated convenience store and stand-alone dining/drinking establishment. There are now substantial voids in accommodation buildings that reflect the decline in student numbers on this relatively remote site. We are informed that purpose-built student accommodation in the main town of Huddersfield is sufficient to cater for future student accommodation needs without this site, hence its Local Plan designation.

1.6 The vacant brownfield land to the north also forms part of MDGB1, is already consented to Younger Homes for a Care Home and 300 ‘age restricted’ dwellings. The ‘Younger Homes Site’ has been cleared and the permission implemented through some limited commencement works (our understanding). That southern part of the allocation forms no part of this proposal and there is no commercial link between the two developers or developments.

- 1.7 Land to the south east of allocation MDGB1, existing paddock land between two areas of woodland to the north and south, is included within the application site. This additional land is within the same land ownership as the allocation site, and is identified as a Biodiversity Opportunity Zone within a Strategic Green Infrastructure Network in the Local Plan. No built development is proposed on this land, as it will be utilised for drainage and landscape planting to achieve Biodiversity Net Gain on-site.
- 1.8 This statement should be read in conjunction with the following supporting information:
- Design and Access Statement and supporting plans – Parker Peel;
  - Statement of Community Involvement – Johnson Mowat;
  - Climate Change Statement (part of the Planning Case Report) – Johnson Mowat;
  - Topographical Survey – Holden Surveys;
  - Heritage Statement – MB Heritage;
  - Transport Statement – Optima;
  - Travel Plan – Optima;
  - Flood Risk and Drainage Strategy – Dart Engineers;
  - Health Impact Assessment – Johnson Mowat;
  - Preliminary Ecological Appraisal and BNG Assessment – Enzygo;
  - Bat Survey Report – Enzygo;
  - Arboricultural Survey – Enzygo;
  - Arboricultural Survey and Impact Assessment – Iain Tavendale;
  - Landscape Plan – Urban Wilderness;
  - Air Quality Assessment – SLR; and
  - Geoenvironmental Appraisal – Lithos.
- 1.9 This Planning Case Report identifies the characteristics of the site and its location, the planning history of the site, the planning policy context and the planning case in support of the proposed residential scheme.

## 2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The Site is located circa 0.5 miles west of Kirkburton and Peninstone Road (A629), within a heavily wooded area of the countryside. A single road through Storthes Hall Estate, Storthes Hall Lane, connects the site to Kirkburton and rural villages of Famley Tyas and Thurstonland.
- 2.2 The Site is currently occupied by DIGS student accommodation, Costcutter Convenience Store and 'The Venue' Bar & Kitchen. The land is a regular shape, which 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 covers an area of 12.42 hectares.
- 2.3 Approximately 50no. residential dwellings are located nearby along Storthes Hall Lane, which is approximately 1.5 miles in its entirety, with the most significant being 'the Mansion'. The Mansion was built as a private home, before being converted into a managed facility for people with learning difficulties, before being converted back to a private dwelling when Storthes Hall Hospital closed in 1992. The Lodge, at the proposed site access, is also a building of historical significance. Both properties are Grade II Listed and are therefore provided due consideration in the proposed layout design.
- 2.4 The Site is bounded to the south west by the former Storthes Hall Hospital land (the Younger Homes site), which has been cleared for development since circa 2005. That parcel of land has detailed planning consent for the development of 300 dwellings and a care home, however progress has been stalled since the planning consent was implemented.
- 2.5 Various sports facilities are located to the south of the Site. This includes 4no. adult football pitches and 2no. 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. It is not intended for the development to impact on the ongoing use of these sports facilities in the short or long term.
- 2.6 The Application Site lies beyond any defined settlement limits, and is to remain designated as Green Belt, as set on the Council's policies map following the adoption of the Local Plan (February 2019). The site is identified as part of housing allocation MDGB1- Land at Storthes Hall, Kirkburton. This allocation covers 28.82Ha of land, with a total indicative capacity of 505 dwellings.

- 2.7 It is noted that the net site area is significantly reduced due to protected trees, priority habitat and listed buildings being removed from the developable area. The Site has both ecological and landscape constraints, in particular mature trees that border the majority of the existing built development. The site and surrounding land is covered by a Biodiversity Opportunity Zone designation, with areas of woodland along the eastern boundary being recognised as part of the Wildlife Habitat Network. Furthermore, the entirety of the Site is covered by a Strategic Green Infrastructure Network designation.
- 2.8 The Site is located solely within Flood Zone 1 according to the Environment Agency (EA) Flood Zone maps, the lowest risk of flooding. Due to the topography and location of the Site, due consideration is given to the drainage strategy which will be discussed further within section 6 of this report.
- 2.9 The nearest bus stop is located adjacent to the site along the private drive looping around the south of the Site from Storthes Hall Lane. The 398 bus serves this stop with a service operating towards Huddersfield Town Centre every 30 minutes, with a service every 5 – 15 minutes at peak morning times (8am – 10am). Further services are also provided along Penistone Road and Farnley Road, an approximate 10 minute walk from the Site.
- 2.10 The nearest schools to the site are located in Kirkburton, where there is Highburton CoE First School, Highburton Playgroup, Kirkburton Middle School, Kirkburton Pre-School, Kirkburton CoE First School. Farnley Tyas CoE First school is also located in the nearby village of Farnley. King James’s School and Honley High School both offer secondary education, and are within 3 miles of the Site.
- 2.11 The nearest doctors surgery to the site is Kirkburton Health Centre which is located approx. 2.5 miles from the Site. The practice is welcoming new patients within the practice area (which includes the Site).
- 2.12 Further detailed information relating to the site is contained in the Design and Access Statement. The intention of the Design and Access Statement is to describe the detailed evolution of the scheme based on a full analysis of all relevant constraints and opportunities.

## 3.0 PLANNING HISTORY

3.1 The Site has an extensive planning history following the decline of Storthes Hall Hospital, a former mental health facility which closed in 1992. The planning history most relevant to the proposed development is set out below:-

**91/60/05179/C4** Outline application for the redevelopment and change of use of redundant hospital site and buildings to higher education campus for the polytechnic – approved (December 1991).

**93/62/03766/E6** Part demolition of existing buildings and erection of new student residential accommodation – approved (January 1994).

**95/62/90031/E6** Alterations to existing and provision of new water storage, treatment and distribution facilities including tanks, bunds, fences, access road and pipelines – approved (April 1995).

**2007/63/93129/E3** Renewal of previous permission for four temporary buildings to service sports facility – approved (September 2007).

**2007/62/91502/E3** Erection of 318 student bed accommodation and extension to arboretum to provide ancillary facilities – approved (November 2007).

3.2 The Application Site has been used as student accommodation, with the most recent application being submitted by the Applicant. The Venue is a leisure facility linked to the student accommodation, which also hosts a restaurant and is available for private hire (functions, weddings, etc). All of these existing uses will cease should the proposed development be approved.

3.3 Huddersfield Town AFC historically used the site before moving to their new facility 'Canalside' in 2011. Some sports facilities are still in use at the site, with all weather and grass pitches being located to the south of the proposed development. These will remain unaffected by the proposals, and all reside outside of the red line boundary for the application.

3.4 Upon the adoption of the Local Plan in February 2019 the Site was identified as a major developed site in the Green Belt under Policy LP73 and is identified as housing allocation MDGB1 – Land at Storthes Hall. This includes the Younger Home site, as part of a wider allocation, however that land is within a separate ownership and does not form part of this

application. For clarity, the planning history associated with the adjoining land is set out below:-

**2005/60/91330/E3** Outline application for erection of continuing care retirement community of approximately 300 units, residential care home and central community facilities – approved (September 2005).

**2012/60/91503/E** 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 – approved (August 2013).

**2016/61/90711/E** 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 – approved (July 2016).

3.5 Following the Younger Homes approval of Reserved Matters in 2016, eleven years after the Outline consent, the pre-commencement planning conditions were discharged in mid-2018. This allowed for a commencement of development; therefore the Younger Homes planning consent remains extant, however the development is yet to be delivered. Although it cannot be discounted that the consented development may be delivered in the short-term, this looks unlikely at this stage given the planning history and lack of activity on-site.

#### **Pre-Application Advice on the Application Site**

3.6 Prior to the preparation of this Outline planning application, a pre application enquiry was submitted to the Council by the Applicant on 8<sup>th</sup> July 2022 in order to obtain planning advice on an indicative scheme for circa 300 dwellings. This submission consisted of a covering letter and illustrative masterplan document explaining the design principles.

3.7 On 31<sup>st</sup> August 2022, a Team Leader informed us that the pre-application would be allocated to Case Officer Richard Riggs, who was set to join the Local Authority on 12<sup>th</sup> September 2022. Following introductions with the Case Officer in September, consultee comments were provided from the following departments in November 2022:-

- Ecology;

- Environmental Health;
- Highways Development Management;
- Highway Structures;
- Strategic Housing;
- Trees;
- Waster Strategy; and
- West Yorkshire Police.

3.8 A pre-application meeting was held on-site on 19<sup>th</sup> January 2023 with Johnson Mowat, Richard Riggs (KC Planning Officer), Adam Darwin (KC Highways), Nick Goddard (KC Landscape), Ward Members, Parker Peel Architects and representatives of the Applicant. The Council informed of a number of key site specific constraints, which are summarised below for clarity:-

- Green Belt – the critical assessment will relate to impact on openness and difference between the existing against proposed built volume, rather than relating to an indicative capacity figure set out in the Local Plan.
- Trees – significant number of trees are subject to a TPO. The majority are located to the edge of the site, any harm to those trees to be mitigated against. It was accepted some loss may be unavoidable.
- Highways and Access – the site currently operates on a one-way flow for car and buses with the southern access point being further constrained through a combination of mature trees and heritage features (Lodge House, Gate piers and associated wall).

3.9 Further discussion was had with regards to the following topics; housing mix, internal highways layout, access, sustainable construction, urban design, public open space, off-site highways, public consultation and Section 106 contributions.

3.10 Following the site-visit, a follow up meeting was held with Johnson Mowat, Richard Riggs, Danisa Baloyi (KC Housing Strategy Officer), the Applicant and Space Partnerships (a Registered Provider) . This meeting was solely focused around the topic of affordable housing.

- 3.11 It was agreed that the policy requirement was to deliver 20% affordable housing in a range of tenures, as set out below:-
- 55% Affordable rented;
  - 20% Shared Equity; and
  - 25% First Homes.
- 3.12 However, the Council were in agreement that the 20% total requirement could be reduced through a compliant Vacant Building Credit (VBC) where the vacant floorspace at Storthes could be legitimately demonstrated. This is discussed further within Section 6 of this report.
- 3.13 It was contested whether the prospect of affordable housing in this location would be attractive to Registered Providers, and whether social housing would be better suited to a location with greater services within walking distance. The Applicant informed of their ownership of Ashenhurst, a vacant student accommodation site in Kirklees which was currently being utilised as part of an emergency housing strategy trial by the Council, and the potential to utilise that site for providing affordable housing.
- 3.14 The Council requested greater detail on the potential of the Ashenhurst site for off-site affordable, and detail regarding the interest from Registered Providers to take on affordable housing at Storthes Hall in light of its location. This is addressed further within Section 6 of this report.
- 3.15 It is considered that all of the technical matters raised within the Council's pre-application response have been addressed in the supporting technical documents that form part of this Outline application submission.

### **Community Consultation**

- 3.16 There has been a significant level of public consultation in relation to both the proposed development and the wider housing allocation. This includes leaflets and informative letters being sent out to neighbouring properties, meetings and dialogue with the Local Planning Authority and Local Ward Members, as well as a dedicated online webpage offering an opportunity for the general public to provide comment on the proposals. Full details of the community consultation undertaken can be found within the supporting Statement of Community Involvement.

## 4.0 PROPOSED DEVELOPMENT

- 4.1 The planning application to which this Planning Case Report supports, seeks Outline planning permission for the proposed demolition of buildings at Storthes Hall and construction of up to 261 residential dwellings and redevelopment of the Lodge cottage for a residential use and associated works on land south of Storthes Hall Lane (the matter of access and layout for determination only). The proposed development will be accessed via the existing access from Storthes Hall Lane, as detailed on the proposed site layout.
- 4.2 The proposed indicative accommodation schedule is detailed on the supporting site plan and further set out in the supporting Design and Access Statement.
- 4.3 The development comprises of:-
- Access via the existing two vehicular access points on Storthes Hall Lane. ;
  - Demolition of all buildings on-site, with the exception of those which are Grade II Listed Buildings, The Lodge, Gate Piers and Gates;
  - The erection of up to 261 dwellings of a range of tenures and types;
  - Maintaining of existing Public Rights of Way;
  - Usable high quality public open space on-site;
  - Extensive landscaping of native species to provide an attractive street scene and environmental benefits;
  - Ecological enhancement works to improve the local habitat network and ensure the development provides net gains in biodiversity; and
  - Extensive drainage proposals to control surface water.
- 4.4 The proposed accommodation schedule is detailed on the supporting site plan and further set out in the supporting Design and Access Statement.

## 5.0 PLANNING POLICY

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”*

5.2 At the time of writing the current development plan comprises solely of Kirklees Local Plan (adopted February 2019). The Local Plan is in separate parts which include the Strategy and policies document, allocations and designations and the policies map. The application site is identified as a major developed site in the Green Belt under Policy LP73 and is identified as part of housing allocation MDGB1 – Land at Storthes Hall.

5.3 National Policy Guidance is provided by the National Planning Policy Framework (the Framework) which was adopted on the 27th March 2012 and subsequently revised. The most up to date version is the July 2021. The Framework is a significant material consideration.

### **Local Policy**

#### **Kirklees Local Plan (February 2019)**

5.4 The Kirklees Local Plan was adopted on 27th February 2019 following an Examination in Public by an appointed Government Inspector. The Local Plan was examined and adopted having regard to the Framework.

5.5 Policy LP 1 sets out the presumption in favour of sustainable development and that development in accordance with the Kirklees Local Plan will be permitted without delay unless material considerations indicate otherwise.

5.6 Subsection 4.2 sets out the Vision for Kirklees for 2031 it includes:-

*“a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing...”*

*“People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure.”*

5.7 Policy LP 2 relates to place shaping and sets out the need for development proposals to build on the strengths, opportunities and address challenges identified within the Plan. Storthes Hall is located outside of identified settlement limited in the Local Plan, however

the site has its own policy which sets out the strengths/opportunities for growth and challenges to growth within this location.

- 5.8 The Spatial Development Strategy is located at section 6.1 of the plan. It sets out the need for the minimum delivery of 31,140 new dwellings between 2013 and 2031 (1730 per annum) through allocation sites and taking account of windfalls, committed housing figures and losses/demolitions. It identifies that the Land at Storthes Hall will provide approximately 505 dwellings through housing allocations across the plan period.
- 5.9 Policy LP 3 relates to the location of new development and sets out that the location of new development will reflect the spatial strategy. It sets out the requirements for development and the need for development to support housing growth in a sustainable way.
- 5.10 Policy LP 4 relates to the provision of infrastructure. It sets out that development should contribute to its provision either on site or off site through planning conditions, legal agreements or Community Infrastructure Levy Contributions.
- 5.11 Policy LP 7 relates to the efficient and effective use of land and buildings. It requires (amongst other requirement) for access to adjoining undeveloped land (which the requirement is provided). The policy also requires a net density of 35 dwellings per hectares where appropriate.
- 5.12 It is noted in the pre-application discussions that density, when compared to the existing development, will be the key driver for what can be considered appropriate in this Green Belt location. The importance of having no greater impact on the openness of the Green Belt takes precedent over the density targets set out in the Local Plan.
- 5.13 Policy LP 11 requires that housing is of high quality and design and contributes to mixed and balanced communities.

*“all proposals for housing must provide a broad mix of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should specifically reflect the proportions of households that require housing and achieve a mix of house size and tenure.”*

- 5.14 The proposals seek to provide the following indicative housing mix:-

No. of Bedrooms	No. of Units	% of Housing Mix
1 Bedroom	1	<1%
2 Bedrooms	42	16%
3 Bedrooms	112	43%
4 Bedrooms	89	34%
5 Bedrooms	17	6%

5.15 It is considered that the proposed indicative housing mix will sit comfortably within the surrounding character area, providing high quality family housing that meets the local housing need. The Kirklees SHMA identifies a dominance in two and three bedroom properties (65.7%) within Kirklees existing housing stock. The SHMA also identifies that Huddersfield South is categorised by predominantly 1 and 2 bedroom housing, with the lowest level of owner occupied housing across the district. The development proposal seek to balance the existing mix, in providing 218no. 3+ bedroom houses, whilst also ensuring that home ownership in this area of Kirklees is increased.

5.16 Policy LP11 further requires that for developments over 10 homes, affordable housing should be 20% of the total homes, subject to viability. In terms of the affordable homes these should:-

- “a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;*
- b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and*
- c. be indistinguishable from market housing in terms of achieving the same high quality of design.”*

5.17 This Storthes Hall site Outline application proposal contains circa 261 dwellings in the draft layout. In total, these 261 dwellings contain circa 298,658 sq ft of internal floorspace.

5.18 It is now well established through planning guidance (NPPF 2023 Para 64 and footnote 30) that where brownfield land with vacant buildings are being used, any affordable housing contribution should be reduced by the equivalent space in those unused buildings. This concept is referenced the Vacant Building Credit (VBC).

- 5.19 It is accepted by the Council that the case for the re-development of Storthes Hall from a residential institution to a more standard residential C3 use has been made and is a principle that is cemented in the allocation in the adopted Local Plan. The reasoning behind this allocation reflects the diminishing student use of the Storthes Hall site which gets bigger each year. In the season 2023/24, the Storthes Hall site is circa 40% unoccupied with vacant floorspace totalling 104,561 sq ft.
- 5.20 In line with both guidance and policy, when VBC is applied, the quantum of floorspace to be considered under the 20% affordable housing policy is  $298,658 - 104,561 = 194,097$  sq ft. or circa 170 dwellings. The affordable provision at 20% in this case (at this time) would be 20% of 170 dwellings = 34 dwellings. It is however accepted that both the quantum of floorspace currently vacant and that proposed may change in the months ahead. These figures are provided to assist the understanding of the affordable housing requirement at this time.
- 5.21 The applicant is in dialogue with the Council as to the form (size/type/tenure) the 34 affordable dwellings may take and their location either on site or commuted partially off-site to best meet the Council's most urgent needs.
- 5.22 Policy LP 20 relates to sustainable travel. It sets out that development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The Council will support alternative modes of transport and development close to local facilities. It also requires Travel Plans for major planning applications which is provided in this case.
- 5.23 Policy LP 21 relates to highway safety and access it requires that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. The proposal does not conflict with the criteria set out by this policy and detailed considerations in terms of these matters are contained within the supporting highways documentation.
- 5.24 Policy LP 22 is a general policy on parking. In relation to car parking provision the policy sets out:-
- “f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually*

*unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;*

*g. provision will be made to meet the needs of cyclists for cycling parking in new developments;*

*h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.”*

- 5.25 Policy LP 24 relates to design and promotes the pre-application process. It then provides a checklist of criteria to promote good design, which the proposed scheme does not conflict with.
- 5.26 Policy LP 28 relates to drainage. The policy sets out a presumption in favour of SuDS. Dart Engineers have undertaken a Flood Risk Assessment with regards to the development proposals, developing a subsequent Drainage Strategy with details of surface water drainage and foul drainage measures. The Flood Risk Assessment demonstrates that the proposed development is not at significant flood risk, and simple mitigation measures have been recommended to address any residual risks that may remain.
- 5.27 Development surface water runoff is proposed to discharge to an infiltration basin to be adopted by Yorkshire Water subject to a Section 104/106 agreement. The surface water infiltration rate is to be limited to 4.7m/h with a total volume of 960m<sup>3</sup> to sufficiently drain the proposed impermeable areas. It is proposed to discharge the foul water flows from the development to the existing Yorkshire Water combined sewer to the north east of the site, subject to Section 185 consent.
- 5.28 Policy LP 30 this policy seeks to protect the biodiversity and geodiversity of international, national and local importance of Kirklees. The site falls within a biodiversity opportunity zone and adjoins a local wildlife habitat network. The supporting Ecological Report and Arboricultural Report ensures there is no direct or indirect adverse effect on the adjacent site and identified habitats or species and biodiversity gains are delivered on site.
- 5.29 The supporting Preliminary Ecological Appraisal identifies that the site provides opportunity to incorporate measures to mitigate any potential impacts to ecological features, with no significant residual impacts expected which would prevent a positive determination of a planning application in ecological terms.
- 5.30 The application site itself is calculated to have a baseline value of 62.42 habitat units, 0.66 hedgerow units and 0 watercourse units. Post-development, it is predicted to support 68.38 biodiversity units and 1.12 hedgerow units, equating to a 10.2% overall Biodiversity Net

Gain. This is achieved through a high quality landscaping scheme which supports this application submission.

- 5.31 Whilst the Bat Survey did identify bat roosts on several of the buildings, it is confirmed that works to those buildings will only proceed under an EPS licence from Natural England. Furthermore, the proposals are noted as presenting an opportunity to provide enhancements for bat species at the operational site.
- 5.32 Policy LP 32 relates to landscape and seeks for proposals to enhance the landscape character of the area. The removal of trees will be mitigated with replacement tree planting. New planting will diversify the range of tree species on site and provide a sustainable long term population of better quality trees. Appropriate species selection will take account of the mature tree sizes and existing available space and site conditions. This will ensure new tree planting will successfully establish and will have sufficient space (above and below ground) and light requirements to attain a full term healthy life.
- 5.33 Policy LP 33 seeks to protect trees and woodland of significant amenity. The development proposals have been designed in line with Policy HS18 which requires compliance with relevant national standards regarding the protection of trees in relation to design, demolition and construction. An Arboricultural Impact Assessment supports the application.
- 5.34 Policy LP 34 seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water. A Flood Risk Assessment and Drainage Strategy, produced by Dart Engineers, has been submitted in support of the proposed development.
- 5.35 Policy LP 35 relates to the historic environment and seeks to conserve the significance of designated heritage assets. Policy LP 73 recognises that the allocation is located within close proximity to an archaeological site, and contains both designated and non-designated heritage assets.
- 5.36 A Heritage Statement has been provided by MB Heritage and is submitted in support of this application. Overall, it is considered that the proposed development, through layout, open space and landscape treatment, fully accords with the recommendations made by the Local Plan Inspector and the development requirements for the site set out under Policy HS18 of the adopted Kirklees Local Plan. The report concludes that the development can therefore be brought forward in accordance with National and Local planning policy without substantive harm to the significance of designated built heritage assets identified.

- 5.37 It is regrettable that the non-designated assets located within the site, the former administration and ward blocks, are proposed for demolition. Although the buildings are of relatively low significance, it is recognised that they hold a degree of architectural and historic interest in the local context. However, the buildings are not appropriate for conversion due to room sizes, ceiling heights and general difficulty with making these buildings energy efficient to modern standards. This is detailed further in the supporting Design and Access Statement.
- 5.38 Policy LP 47 promotes health, active and safe lifestyle through access to open spaces, local initiatives for healthy food, improving walking and cycling, energy efficient design, air quality and inclusive environments. A Health Impact Assessment supports the application.
- 5.39 Policy LP 49 relates to educational and health care needs and requires the Council to work with applicants prior to a planning application being submitted. A pre-application was submitted prior to the submission of the application, and the development proposals have been subject to extensive public consultation.
- 5.40 Policy LP 53 requires that contamination assessments and/or instability risk assessments are provided on unstable, contaminated or suspected contaminated land. A Geoenvironmental Appraisal has been submitted alongside this planning application, which includes a review of 3<sup>rd</sup> party reports, the site's history and environmental setting, and a ground investigation comprising 24 trial pits and 29 window sample boreholes. The report splits the site into 3 separate areas:-
- Area A - (c. 2.1 ha in the east) open grassed field, with derelict building, allotment and woodland
  - Area B - (c. 8.3 ha, centre) University of Huddersfield (DIGS) halls of residence buildings, Storthes Hall Park (The Venue), surrounding landscaped areas, tarmac access roads and car parks
  - Area C - (c. 1.9 ha, west) derelict and heavily overgrown land
- 5.41 Made Ground was encountered in Areas B & C, generally comprising Made Ground Topsoil or tarmac and concrete hardstand overlying Granular & Cohesive Made Ground with localised areas of Sub-Base, reworked natural ground and Ash & Clinker. Underlying natural ground comprised Granular Residual Soils (sandy Gravels), over Grenoside Sandstone bedrock (weak to strong fine and medium sandstone) from 1.5m depth.

- 5.42 This site is underlain by Grenoside Sandstone bedrock, and the shallowest coal seams lies at least 100m below the surface. Whilst the site lies within a Coal Authority Low Risk area, no significant risks have been identified, and an intrusive mining investigation will not be required.
- 5.43 Topsoil in Area A contains trace amounts of asbestos fibres. This topsoil is not suitable for reuse in gardens on site. However, it is likely acceptable that this topsoil could be used in the landscaping of the proposed SUDS feature in Area A. Further assessment of the topsoil in this area may conclude it is suitable for reuse in private gardens and landscaping.
- 5.44 The Made Ground Topsoil and Made Ground in Areas B & C contain asbestos fibres, lead and DRO. Therefore, where residual made ground remains beneath garden and landscaped areas (i.e. not beneath hardstanding) a 600mm thick surface cover of “clean” soil comprising 500mm subsoil and 100mm topsoil is recommended.
- 5.45 Hydrocarbon contamination has been encountered in Area C and this will require delineation and excavation during remediation earthworks, with subsequent on-site treatment or off-site disposal.
- 5.46 The proposed development will be brought forward with careful consideration for the findings of the Phase 1 & 2 Ground Investigation works, ensuring the necessary remediation measures are undertaken.
- 5.47 Policy PLP 63 requires new housing development to provide or contribute to new open space or the improvement in the existing provision. The site provides a usable and meaningful area of open space on site, with links to existing public rights of way. The proposals are supported by a Public Open Space Provision Plan (526-UW-P-002) which details the different typologies of open space provided on-site against the targets set out in the adopted Open Space SPD.
- 5.48 The site is identified as part of housing allocation MDGB1 – land at Storthes Hall, Kirkburton. The allocation text sets out a number of constraints which the current layout and design has had to take into account of:-
- A minimum of two (possibly three) access points required for a development of this scale;
  - Improvements to local highway links may be required;
  - Footway widening required on site side;

- Potentially contaminated land;
- Site is close to archaeological site;
- Protected trees on site;
- Site contains listed buildings; and
- Part of this site lies within a UK BAP priority habitat.

5.49 The Local Plan Policy text (summarised above) sets out a number of technical topic areas that relate to documents required to be submitted with the application. The proposals also have regard to the other requirements set out in the allocation text.

### **National Policy**

#### **National Planning Policy Framework (September 2023)**

5.50 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

5.51 Paragraph 2 of the advice states:-

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”*

5.52 There are three objectives (Paragraph 8) to sustainable development comprising economic, social and environmental roles.

5.53 Paragraph 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

5.54 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

*“For decision-taking this means:*

- c) *approving development proposals that accord with an up-to-date development plan without delay,” (JM underlining).*

5.55 It is considered that the proposal complies with the Development Plan which allocates the site for housing.

5.56 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document and those topic areas considered of relevance to this planning application are set out below.

#### Section 4: Decision Making

5.57 In determining applications, Paragraph 38 states:-

*“Local Planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”*

5.58 Paragraph 47 requires that:-

*“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”*

#### Section 5: Delivering a Sufficient Supply of Homes

5.59 Paragraph 60 reiterates the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

#### Section 8: Promoting healthy and safe communities

5.60 Paragraph 92 sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places.

## Section 9: Promoting Sustainable Transport

5.61 Paragraph 105 sets out 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. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.”*

5.62 Paragraph 112 sets out development should:-

*“a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

5.63 Paragraph 113 sets out that:-

*“all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.”*

## Section 12: Achieving Well Designed Places

5.64 Paragraph 126 stresses the Government's commitment to achieving good design, high quality buildings and places.

5.65 Paragraph 130 sets out planning policies and decisions should:-

- "a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) 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<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

5.66 Paragraph 131 requires new streets to be tree-lined, aligning with the governments current focus on 'building beautifully'. Although this has implications on the density of the proposed development, given the space required for street-trees, the supporting landscape demonstrates how street trees have been given consideration.

## Section 13: Protecting Green Belt land

5.67 Paragraph 137 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 that openness and their permanence.

5.68 It is recognised at Paragraph 147 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

5.69 Exceptions to inappropriate development are listed at Paragraph 149, it is considered that the exception listed at 149(g) applies to the proposed development:-

*“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:...*

*...g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or...”*

5.70 The proposed development would result in the completed development of previously developed land which is in continuing use at the time of the application submission, therefore the impact on openness of the Green Belt is key to the principle of development being accepted. This remains the case despite the site allocation for residential development, as the allocation was not removed from the Green Belt.

5.71 The existing built volume on-site equates to 128,334m<sup>3</sup>, which will be reduced significantly to a post-development on-site built volume of 114,134m<sup>3</sup>. This is a 11% reduction in built volume on-site which will enhance the special appearance of the Green Belt in this location with reduced built volume.

5.72 The scale and form of the proposed development further contributes to this, with large scale multi-storey accommodation blocks (14m) being replaced with a sensitively designed housing scheme ranging from 2 to 2.5 storeys (8m – 10m). This approx. 4m – 6m reduction in height across the site (approx. 3 storeys) will contribute to an attractive a street scene that is more suitable for this Green Belt location. Furthermore, the introduction of sensitive landscaping and areas of public open space will further benefit the openness of the Green Belt.

5.73 The spaces between buildings follows the guidance set out in the Housebuilder Design Guide, and will break up the existing form that can be currently seen on-site. It is clearly demonstrated through the supporting plans and documents that the proposals will not have a greater impact on the openness of the Green Belt than the existing development, and therefore the principle of development is acceptable.

#### Section 14: Meeting the challenge of climate change, flooding and coastal change

5.74 Paragraph 154 sets out that new development should be planned to:-

- a) *avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and*
- b) *can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards."*

5.75 Further at Paragraph 157 it sets out that:-

*"In determining planning applications, local planning authorities should expect new development to:*

- a) *comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and*
- b) *take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption."*

#### Section 15: Conserving and enhancing the natural environment

5.76 Paragraph 174 sets out the requirement to contribute to and enhance the natural environment in policies and decisions by:-

- d) *minimising the impacts on and providing net gains for biodiversity....*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate."*

## Section 16: Conserving and enhancing the historic environment

5.77 Paragraph 194 sets out:-

*“In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.”*

5.78 With regards to the loss of non-designated heritage assets, Paragraph 203 states:-

*“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.”*

5.79 The loss of non-designated heritage assets at the site is considered within the planning balance, when considering the wider benefits of the development proposals.

### Annex 1: Implementation

5.80 Paragraph 218 with regard to decision taking:-

*“The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication.”*

5.81 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the Framework and it is considered that the applicants are entitled to anticipate presumption being weighed in their favour.

### **Other Material Considerations**

#### **National Planning Practice Guidance (March 2014)**

5.82 The Planning Practice Guidance was published as a live ‘working’ document on 6th March 2014. It extends to over 600 pages and is intended to replace over 7,000 pages of now revoked guidance.

## **Neighbourhood Plans**

5.83 The site is not located in designated Neighbourhood Area, therefore there is currently no made Neighbourhood Plan in place which covers Storthes Hall.

## **Supplementary Planning Documents**

5.84 It is noted that the Council have adopted the following SPDs to help guide development within the district:-

- Affordable Housing and Housing Mix (March 2023)
- Housebuilder Design Guide (June 2021)
- Open Space (June 2021)
- Highways Design Guide (November 2019)

5.85 These documents are a material consideration in determining the development proposals, and have been useful in guiding the pre-application discussions as well as the finalised Site Layout.

## **Climate Change Statement**

5.86 Sustainability is an inherent part of this development including the use of high-quality design materials, sustainable measures and construction methods.

5.87 The principle of development in this location has already been considered sustainable by virtue of its designation for residential development within the Local Plan.

5.88 The proposed development has capacity to incorporate a number of sustainable principals and measures, as Outline in the Design and Access Statement, such as:

- Sustainable and best practice construction techniques will be utilised, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems.
- Design of dwellings to ensure habitable rooms allow sufficient natural light into the room and all dwellings will have access to private garden and garden areas will be fully accessible for disabled occupants, where possible.

- Implementation of robust procedures to minimise construction waste including measures to share soil and aggregate waste and reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.
- Provision of onsite POS and pedestrian and cycle provision and links to ensure delivery of easily accessible and high-quality amenity areas and greenspace and promote healthy communities and active travel.
- A Travel Plan to be adopted to promote sustainable modes of travel.

5.89 Cumulatively these measures support the intent of the recently declared 'Climate Emergency' (2019) and the Councils 2038 Carbon Neutral Vision. Further measures are set out in the Sustainability Statement set out in the Design and Access Statement (DAS). All measures will assist in reducing Climate Change.

#### Climate Emergency

5.90 Kirklees Council declared a Climate Emergency in 2019 on the basis that urgent action is required to improve and protect the environment.

#### 2038 Carbon Neutral Vision

5.91 Kirklees Council are aiming to be completely carbon neutral by 2038.

5.92 In this context carbon emissions from human activities in Kirklees will need to be dramatically reduced to zero with any remaining emissions safely removed from the atmosphere. This has also been referred to as achieving 'net zero' carbon emissions by 2038. In order to meet the Carbon Neutral Vision the Council will: -

- Set a Carbon Budget
- Increase the Amount of Electric Charging Points
- Allow Low Emission Cars to Park for Free
- Add more Electric Vehicles to the Council's Fleet
- Environmental Impacts Considered in All Decisions
- Plant More Trees
- Create a Climate Commission and Green Charter

- Host a Youth Summit
- Increase Recycling Rates
- Develop a Programme and Action Plan

5.93 The Applicant is dedicated to taking pro-active measures to reduce the consumption of energy and natural resources and thus helping mitigate climate change. In order to do this, various measures are implemented in the fabric specification of buildings and construction methods. Electric Vehicle Charging points are also to be provided for every proposed dwelling, further looking to mitigate the impacts of climate change.

5.94 Further measures are set out in the Sustainability Statement set out in the DAS. All measures will assist in reducing Climate Change. These measures are also supported by a willingness to introduce meaningful tree planting and opportunities for biodiversity net gain across the application site.

#### **Interim Housing Position Statement to Boost Supply**

5.95 The Growth and Regeneration Scrutiny Panel considered an Interim Housing Position Statement to Boost Supply on 20<sup>th</sup> November 2023, the purpose of which is to respond the Councils current lack of a five-year housing land supply. It is noted that the current housing land supply position within Kirklees is 3.96 years, and as such all applications for housing must be considered in the context of a presumption in favour of sustainable development (the tilted balance). The following principles are set out within the position statement, with the intention of speeding up decision making:-

- 1) Application in favour of sustainable development.
- 2) Potential release of safeguarded land for housing development.
- 3) High quality design to ensure development continue to achieve well-design high-quality homes and quality places.

5.96 Where there is a conflict with the Local Plan, it is necessary to make a judgement on whether the adverse impact of development plan conflict, and any other identified harms, significantly and demonstrably outweigh any benefits of the proposal.

## **6.0 THE PLANNING CASE**

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

### **Principle of Development**

6.2 The application site is major developed land within the Green Belt which is allocated for housing under reference MDGB1 – Land at Storthes Hall, Kirkburton. The principle of the residential development of the site is therefore accepted, subject to meeting the requirements for appropriate development in the Green Belt.

6.3 Paragraphs 5.65 – 5.69 of this report set out the Green Belt policies which relate to the principle of development, and it is demonstrated that the principle is acceptable due to the improvement in openness of the Green Belt as a result of the development proposals.

6.4 The number of dwellings proposed seeks to make efficient use of the site whilst also adhering to the onsite constraints and other matters, such as adhering with design SPD's, which were not fully examined at the Local Plan stage.

6.5 The basis for determining these applications is therefore contained in the Development Plan which retains full weight.

### **Other Material Considerations**

6.6 Having regard to the sites suitability in principle for residential development, other material considerations are contained in the supporting reports and technical documents which support the application. A list of the documents is contained at para 1.8 of this report.

### **Planning Balance**

6.7 The site is an allocated residential site located outside of identified settlement limits, approximately 1.5 miles south of the main urban area of Huddersfield. The site is within a sustainable location by virtue of its allocation in the Local Plan and has good access to social and physical infrastructure.

6.8 The site is subject to no significant environmental constraints that would prevent the delivery of housing and the various technical reports produced to accompany this application submission demonstrate that there will be no adverse impacts as a result of granting planning permission.

6.9 The proposed development will be in keeping with the local characteristics and proposes a mix of property types without detriment to neighbouring amenities. The settlement characteristics and the site's opportunities and constraints have been assessed in the supporting Design and Access Statement.

6.10 Other benefits include:-

- The provision of a range of new house types to provide increased housing choice including affordable homes.
- The provision of high quality usable public open space.
- Enhancements to existing public rights of way, increasing the accessibility of the development and proposed recreational greenspace.
- The provision of over 10% biodiversity net gain.
- The development would generate a significant amount of investment to the area in terms of the construction value and associated spend during the construction period.
- Planning Gain Package.
- Council tax revenue.
- Community infrastructure contributions.
- New Homes Bonus.
- Indirect "spin-off" jobs in services and other business from the wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes.

6.11 Having regard to all of the above, it is clear that there is a significant presumption in favour of the development. The proposal is fully policy compliant and has demonstrated there to be no technical issues which would prevent the grant of planning permission.

## **7.0 SUMMARY AND CONCLUSIONS**

- 7.1 Section 38(6) of the 2004 Act provides for a determination other than in accordance with a development plan if material considerations indicate it is appropriate.
- 7.2 This planning application seeks the development of an allocated housing site and is made in the context of the Government's requirement to significantly boost housing land supply, the presumption in favour of sustainable development and the Development Plan. It is widely known that Kirklees needs to boost its supply of housing to meet needs.
- 7.3 The development proposed constitutes sustainable development as accepted by the Council by virtue of its allocation in the Local Plan. The site is a housing allocation and its development will assist the Council in meeting its aspirations for Storthes Hall together with a significant number of economic and social benefits.
- 7.4 The site would make for a compatible use and the technical reports accompanying the application detail how the development will not give rise to any significant adverse impact upon matters of transport, drainage, trees or ecology or the amenities of present and future occupiers.
- 7.5 Therefore taking account of all of the above factors including all merits of the scheme taken as a whole, this report has demonstrated that the proposal clearly constitutes 'sustainable development'. There are significant material considerations that weigh heavily in its favour. The scheme is in accordance with the Local Plan and the application should be approved without delay.