

**Consultation Response from KC,
Policy**
2023/93667 Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA
Outline application for demolition of buildings and erection of residential development (up to 261 dwellings), redevelopment of Lodge Cottage for residential use and associated works
Date Responded:
Responding Officer:
Responding Ref:

This application seeks outline permission for the demolition of buildings and erection of residential development (up to 261 dwellings), redevelopment of Lodge Cottage for residential use and associated works at Storthes Hall Student Village, Storthes Hall Lane, Kirkburton, Huddersfield, HD8 0WA. The planning case report submitted to support this application states that the matters of access and layout are sought for consideration at this stage with all other matters reserved.

The Local Plan was adopted on 27 February 2019. The Local Plan Strategy and Policies should be fully considered; however, the following response relates to specific Local Plan policies which are of particular relevance to the proposal, other policies that are not mentioned here may also apply.

Principle of development:
Green belt:

This outline application proposes residential development on the northern part of allocated site MDGB1, and a change in the use of land within the green belt in order to provide a Locally Equipped Area for Play, allotments, a drainage infiltration basin and a biodiversity area. Policy LP73 of the Kirklees Local Plan states that MDGB1 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 relevant site box, in this case MDGB1, relevant development plan policies and as shown on the Policies Map.

Local Plan policy LP59 'Brownfield Sites in the Green Belt' states that land at Storthes Hall has been designated in order to recognise it as a major brownfield site in the Green Belt. Development proposals must be accompanied by a masterplan with special attention paid to the impact of any proposals on the openness of the Green Belt in accordance with Green Belt policy. This supports NPPF paragraph 154 criterion g) which states that the redevelopment of previously developed land should not have a greater impact on the openness of the Green Belt than the existing development. Any proposal which is deemed to have a greater impact on the openness of the Green Belt would be inappropriate development and would not be supported, unless very special circumstances could be demonstrated that would outweigh the harm caused.

The part of MDGB1 to which this application relates is currently operating as student accommodation. The existing development is well screened and there is substantial landscaping on the edges of the site which provide a soft transition with the surrounding countryside. Although the council accepts that any potential residential development will likely be of a dissimilar development pattern to the existing multi-storey student development currently occupying the site, the sensitive nature of the green belt setting requires strong consideration to be had for the layout, density and footprint of any forthcoming development, to ensure no harm is brought to the openness of the green belt, over and above that already existing.

A pre-application enquiry was submitted on this site in 2022, which was supported with an illustrative masterplan. While details of the development in the masterplan were limited, an illustration on page 8

revealed proposed plans for housing density. The indicative plan indicated that development within the central core of the northern portion of MDGB1 would be of a greater density and would include a larger proportion of terraced/semi-detached housing, while development along the outer edges of the allocation would be of a slightly lower density and would be characterised by a pre-dominance of detached housing.

The scheme that has been presented through this outline application comprises 261 dwellings, and there appears to be very little difference in the density of the development proposed within the central part of the allocation and that proposed along the outer edges. The proposed development would extend to cover a much larger footprint than the existing student development, and this spread of built form across the site towards the boundary edges of the allocation would result in the development being more visible and more intrusive from the surrounding area than the current use, and would therefore detrimentally impact on openness of the green belt contrary to LP59 and NPPF 154g). The subsequent reduction in landscaping that would occur in consequence of the increased development footprint would also lessen the extent to which the development is screened, and the soft transition that currently exists between the built form and open countryside would be diminished, further harming the open character of the green belt.

The entirety of the MDGB1 allocation was given an indicative capacity of 505 dwellings. The southern portion of the allocation has an extant planning permission for the erection of a continuing care retirement community of approx. 300 units (2016/90711). Considering the remaining indicative capacity of the allocation is approximately 205, there is scope to reduce the density of the development in the areas abutting the edges of the allocation boundary, which would enable the layout of the scheme to be more sympathetic to green belt context.

The plans also illustrate that the red line boundary of the application site extends further than the MDGB1 allocation, to capture additional land allocated as green belt in the adopted Kirklees Local Plan. The plans propose the change in use of the green belt land to provide a Locally Equipped Area for Play (LEAP), allotments, a drainage infiltration basin and a biodiversity area. NPPF paragraph 155 states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including criterion e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds). NPPF paragraph 154 also states that a local planning authority should regard the construction of new buildings as inappropriate in the green belt, apart from a limited number of specified exceptions. This includes the exception at paragraph 154b) which relates to the provision of appropriate facilities (in connection with a change of use) for allotments, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

At the moment, the area proposed to host the various typologies of open space is a field, devoid of any development. Introducing the proposed open space typologies and the paraphernalia associated with their functioning has the potential to harm the openness of the green belt, and could directly conflict with the purposes of including land within it, which includes safeguarding the countryside from encroachment. Any development which would harm the openness of the green belt, and would conflict with the purposes of including land within it would constitute inappropriate development in the green belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

LP7 (Efficient and effective use of land and buildings):

Local Plan Policy LP7 states that developments should achieve a net density of at least 35 dwellings per hectare. The applicant has stated in the planning case report that the site area measures 12.42ha, and this includes land not within the allocation – however the applicant goes on to state that the net

developable area is 7.75ha due to the presence of protected trees, priority habitat and listed buildings. At an indicative 261 dwellings, the applicant states this would represent 34 dwellings per hectare. Clarification should be provided from the application to confirm how the net developable area has been calculated, and which pieces of land are included/excluded from this figure.

Whilst policy LP7 strives to achieve a minimum net density of 35 dwellings per hectare, criterion c in part 2 of the policy states that lower densities may be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. In this case, given the sensitivity of the green belt setting, lower densities may be required to ensure the open character of the green is respected and preserved.

LP11 (Housing mix & affordable housing):

Local Plan Policy LP11 (Housing Mix and Affordable Housing) states that all proposals of more than 10 dwellings should reflect an appropriate housing mix. The Affordable Housing and Housing Mix Supplementary Planning Document (SPD), adopted March 2023, sets out housing mix tables for each sub-area.

Local Plan Policy LP11 also sets out the requirements for affordable housing contributions, which are set at 20% of the site, split 55%/45% for affordable rent and intermediate tenure respectively. The housing mix should align with these figures unless robust evidence provides adequate justification for deviating from this. It is noted that detailed comments have already been provided by KC Strategic Housing.

LP24 (Design):

Careful consideration should be given to the design quality of this proposed development in accordance with Local Plan policy LP24 (Design) and the design principles set out in the council's Housebuilders Design Guide SPD. This includes sensitively respecting and enhancing local character, high standards of residential amenity, such as minimum separation distances between houses, integrating green infrastructure and accessible open space, net biodiversity gain, walking and cycling and road connections, materials, and detailing, and how the proposal in terms of energy efficiency contributes to the council's ambition to have net zero carbon emissions by 2038.

LP30 (Biodiversity and geodiversity):

The red line boundary of the site includes land forming part of the Kirklees Wildlife Habitat Network, and the site is also bounded by habitat network to the north, east and south. Additionally, some areas of woodland within the site boundary are recognised as a Priority Habitat (deciduous woodland) by DEFRA, as is the area of woodland situated to the south and south-east of the site.

As stated in Local Plan policy LP30, the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network. Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.

In accordance with LP30, development proposals are 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;

- (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;
- (iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;
- (iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and
- (v) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.

The Environment Act requires mandatory biodiversity net gain (BNG) of at least 10%, to be secured for 30 years via planning obligations or conservation covenants. The BNG can be delivered onsite, offsite or via a financial contribution. Further comments should be sought from the council's Biodiversity Officer.

LP63 (New open space):

Developments of more than 10 dwellings would be required to provide open space provision in line with Local Plan policy LP63 (New open space) and guidance in the council's Open Space SPD. Additionally, as stated in the Open Space SPD, sites of between 201-500 dwellings would normally be expected to provide a Local Area of Play (LAP), Locally Equipped Area of Play (LEAP) and a financial contribution towards a Multi-Use Games Area, and due regard should be given to the design guidance set out in Appendix 2. Detailed comments should be sought from the Parks and Landscapes team.

LP33 (Trees):

A significant portion of the site is covered by TPO protected trees, including parts on which the layout plans appear to propose housing development.

The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. 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, including the Wildlife Habitat Network and green infrastructure networks. Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. Tree officers should be consulted for their views.

LP35 (Historic environment):

Lodge Cottage is a Grade II Listed Building within the site boundary. There is also a Grade II listed gate pier and gate within the boundary, and the Grade II listed 'The Mansion' to the east of the site. The application proposes to redevelop Lodge Cottage for residential use. KC Conservation and Design should be consulted to ensure that any alterations to the listed building are sympathetic and does not harm the historic significance.

Summary:

The outline application proposes a residential development on the northern portion of allocated site MDGB1, and a change in use of green belt land to provide a Locally Equipped Area for Play, allotments, a drainage infiltration basin and a biodiversity area. Consideration needs to be given to the layout, density and design of the scheme to ensure the sensitive green belt setting is protected. The

development should aim to provide an appropriate housing mix and meet the council's requirement for affordable housing provision in accordance with policy LP11 and the Affordable Housing and Housing Mix SPD. Consideration also needs to be given to the protected trees, the Wildlife Habitat Network and heritage assets within and surrounding the site, and regard should be had for policy LP63, to ensure the scheme is able to provide the necessary contributions to open space provision, that are in line with guidance set out in the council's Open Space SPD.