

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

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

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

| | |
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| Reference No: | 2024/62/91199/W |
| Site Address: | 140A, Manchester Road, Longroyd Bridge, Huddersfield, HD1 3JA |
| Description: | Demolition of existing building and erection of student accommodation with ancillary spaces, associated garden area, store and landscaping, access and car parking |
| Recommending Officer: | Victor Grayson |

DECISION – Full Planning Permission – Refuse

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

Nicholas Hirst

AUTHORISED OFFICER

Date: 31/03/2026

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Officer Report

Application: 2024/91199

Site: 140A Manchester Road, Longroyd Bridge, Huddersfield, HD1 3JA

Proposal: Demolition of existing building and erection of student accommodation with ancillary spaces, associated garden area, store and landscaping, access and car parking

Site Description

The submitted application form states that the application site is 0.1264 hectares in size. It is located to the southwest of Huddersfield town centre, on the north side of Manchester Road (the A62). The application site slopes downhill from north to south.

The application site currently accommodates a detached two-storey building. This has brick elevations and pitched roof.

Part of the site frontage is open to the footway of Manchester Road. This provides vehicular, pedestrian and cyclist access into the site, and to an area of hardstanding to the front of the existing building. A stone wall exists along the rest of the site frontage to Manchester Road. A low stone wall, timber fencing and metal railings exist along the site's eastern boundary.

A track runs along the eastern edge of the application site. This carries public footpath HUD/327/30.

Behind the existing building, the application site is vegetated, although the remains of an outbuilding / foundations survive in the northeast part of the site.

The front (southern) part of the application site is within the Manchester Road / Longroyd Lane Local Centre, as designated in the Kirklees Local Plan.

The surrounding area includes residential uses (immediately to the west at 142 to 156a Manchester Road) and retail (immediately to the east at 138 Manchester Road, occupied by Samra Motor Parts), and there are other commercial uses to the south.

Further to the south is the Huddersfield Narrow Canal, and the River Colne.

Heritage assets close to the application site include:

- 27 Woodthorpe Terrace (to the north) – Grade II listed (Historic England reference: 1066569). The official list entry refers to the building as “Spring Lodge”, although some historic Ordnance Survey

maps suggest this was the name of the adjacent house. Some historic Ordnance Survey maps also indicate that 27 Woodthorpe Terrace was formerly St Thomas's Vicarage.

- 14, 15 Woodthorpe Terrace – Grade II listed (Historic England reference: 1066568).
- Church of St Thomas – Grade II* listed (Historic England reference: 1134950).
- 160 Manchester Road – Grade II listed (Historic England reference: 1215805).
- 162 Manchester Road – Grade II listed (Historic England reference: 1134951).
- 164 Manchester Road – Grade II listed (Historic England reference: 1313528).
- 166-170 Manchester Road – Grade II listed (Historic England reference: 1215820).
- Huddersfield Narrow Canal Bridge – Grade II listed (Historic England reference: 1210229).
- Paddock Railway Viaduct – Grade II listed (Historic England reference: 1134435).
- Other non-designated heritage assets associated with the canal and the area's industrial history and role as a significant transport corridor.
- 138 Manchester Road – A building of more recent cultural interest, given its history as a club / music venue.

The nearest part of the Springwood Conservation Area is approximately 310m away, to the northeast.

The application site is unallocated in the Local Plan. Land to the south is within the Strategic Green Infrastructure Network (River Colne Corridor). The application site is within a wider minerals safeguarding area (surface coal resource, with sandstone and/or clay and shale). A Transport Scheme Route (TS3 – Huddersfield Southern Gateway) has been identified along this part of Manchester Road.

Part of the application site is within an Air Quality Management Area (AQMA 10 – Thornton Lodge).

Biodiversity Opportunity Zones (Built-up Areas and Valley Slopes) cover all of the application site. Bats are known to be present in the area. The site is within the Impact Risk Zones of the South Pennine Moors and Dark Peak Sites of Special Scientific Interest.

A record of a Tree Protection Order 26/91/t3 still applies to the site, however this is considered void as the tree has been removed.

The application site is within a Development Low Risk Area, as defined by the Mining Remediation Authority.

Description of Proposal

The applicant proposes the demolition of the existing two-storey detached building, and the erection of a part 3-storey, part 4-storey, part 5-storey block of student accommodation (sui generis use).

49 bedrooms would be provided within 24 studios and flats. The proposed accommodation would be organised as follows:

- Ground floor:
 - Studio 1
 - Studio 2
 - Studio 3
 - Office
 - Bin store
 - Cycle store
 - Gym
 - Communal entrance
- First floor:
 - Cluster flat 1 (5-bed unit)
 - Studio 4
 - Studio 5
 - Studio 6
 - Common room
- Second floor:
 - Cluster flat 2 (5-bed unit)
 - Studio 7
 - Studio 8
 - Studio 9
 - Studio 10
 - Studio 11
 - Cluster flat 3 (5-bed unit)
- Third floor:
 - Studio 12
 - Studio 13
 - Studio 14
 - Studio 15
 - Studio 16
 - Studio 17
 - Studio 18
 - Studio 19
 - Cluster flat 4 (5-bed unit)
- Fourth floor:
 - Studio 20
 - Studio 21
 - Studio 22
 - Studio 23
 - Studio 24
 - Cluster flat 5 (5-bed unit)

The development would present a 3-storey front elevation to Manchester Road, however there would be accommodation (studio 12) within the roof space in that part of the new building. Away from Manchester Road, the new building would rise to four storeys (again, with accommodation within the roof space), and then to a full five storeys (although the rear elevation would be three storeys high, due to the site's topography).

The new building would partly enclose a new yard, within which three drop-off parking spaces are proposed. Vehicular access to this yard would be via the site's existing point of access off Manchester Road. The building's communal entrance would be accessed from this yard.

The new building would be clad with stone and brick. Roofs and parts of the top storey would be clad with a standing seam material in "quartz zinc" colour. Windows and doors would be dark grey.

Hipped roofs are proposed.

Elsewhere within the site, a detached store and covered patio is proposed, as is soft landscaping and an open patio.

Relevant Planning History

2025/90512 – Application for full planning permission for demolition of existing building and erection of student accommodation (31 bedrooms within 11 apartments) with ancillary spaces, associated garden area, store, landscaping, access and car parking. Approved 10/10/2025.

Planning Policy and Guidance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

The application site is within the Newsome Neighbourhood Area designated on 12/08/2014 in accordance with the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations (2012) as amended. However, the Newsome Ward Community Forum designation (for the purpose of producing a Neighbourhood Development Plan) expired on 12/08/2019 and has not been redesignated. The Forum is not progressing a Neighbourhood Development Plan.

In the Local Plan the site is unallocated. The front (southern) part of the application site is within the Manchester Road / Longroyd Lane Local Centre

Relevant Local Plan policies include:

- LP1 – Presumption in favour of sustainable development

- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP13 – Town centre uses
- 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
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 – Trees
- LP35 – Historic environment
- LP38 – Minerals safeguarding
- LP43 – Waste management hierarchy
- LP47 – Healthy, active and safe lifestyles
- LP51 – Protection and improvement of local air quality
- LP52 – Protection and improvement of environmental quality
- LP53 – Contaminated and unstable land

The National Planning Policy Framework (12/12/2024, updated 07/02/2025) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant chapters include:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

A consultation draft of a revised National Planning Policy Framework was published on 16/12/2025. This document is at an early stage and may be

subject to change. Accordingly, for the purposes of this application, no weight is given to the current consultation document.

Since March 2014 Planning Practice Guidance for England has been published online.

Other relevant national guidance:

- National Design Guide (2019)
- National Model Design Code (2021)

Other relevant guidance and documents include:

- Highway Design Guide SPD (2019)
- Affordable Housing and Housing Mix SPD (2023)
- Biodiversity Net Gain Technical Advice Note (2021)
- Planning Applications Climate Change Guidance (2021)
- Kirklees Climate Change Action Plan (2022)
- Social Value Policy (2022)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Green Streets Principles (2017)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Waste Management Design Guide for New Developments (2020, updated 2021)

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

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

June 2021 the council approved a Planning Applications Climate Change Guidance document.

History of negotiations

No pre-application advice was sought by the applicant.

During the life of the current application there were numerous exchanges between the applicant team and officers, including the following:

19/07/2024 – Applicant email to case officer, stating:

With reference to the above application, and in response to Kirklees Conservation & Design's consultation response, we attach a more detailed Heritage Assessment by Stuart Wrathmell, an experienced and highly regarded Heritage Consultant (<http://www.stuartwrathmell.co.uk/about/> and <http://www.stuartwrathmell.co.uk/editing-and-publication-preparation-all-aspects-of-the-historic-environment/>), in support of these proposals.

We'd also like to summarise and add our comments in reply to this consultation response, as follows:

- 1. As the attached assessment explains, the south garden of Spring Lodge, which relates to its current use as apartments and forms its current setting, is unaffected by these proposals. The setting has changed fundamentally over time and no longer includes the application site, and hasn't done so for some time. The terrace between the south garden of Spring Lodge and the lower, sloping grounds of the application site strongly suggests that there was never any intention to create a visual linkage between the two.*
- 2. The application site never formed the access route to Spring Lodge. This was provided by the driveway just beyond the east side of the proposed development area, now represented by a public right of way, which led to the entrance on the north side of Spring Lodge. The same driveway, which would be unaffected by these proposals, also provided access to Woodthorpe House, and is the key line of observation for experiencing the two villas as they would have been experienced by visitors in and before the 1850s.*
- 3. The proposals therefore do not affect the current setting of Spring Lodge, or 14 & 15 Woodthorpe Terrace, and do not interrupt the views and appreciation of these buildings as stated in the consultation response.*
- 4. The existing red brick building on the site is of very poor architectural quality and makes no contribution to the setting of any of the Listed Buildings in the vicinity, and clearly currently has a negative impact on the Manchester Road street frontage.*
- 5. More distant views of Spring Lodge (the much wider setting) are retained with the proposals in place, and this was fully considered when*

developing the design proposals and shown in the 3d visuals submitted with the application.

6. The wider setting of 160, 162 and 164 Manchester Road is improved by the proposed development, and the consultation comments on the design of the new building are subjective. The proposals will rightly continue the strong eaves line and external materials in this street scene, and the exact height of the adjacent terraced buildings will continue along the frontage of the new development; this height being the height visible when viewing the proposals from any point along Manchester Road. The height, scale and massing of the proposals are therefore fully appropriate for the setting, and in keeping with the height, scale and massing of buildings in the immediate vicinity.

7. The application site is not within a Conservation Area and, as far as we are aware, never has been. The mimicking of historic architectural styles is certainly not relevant to this area or for contemporary uses in urban environments. The proposed contemporary façades also incorporate window proportions in keeping with the better quality adjacent properties, and make a significantly more positive contribution to the street scene than the existing building on site and other buildings close by, including the retail warehouse opposite, of course. The consultation response shows a lack of understanding of acceptable contemporary architectural facade treatments in tight-knit urban environments such as this, or the improvements that these proposals will bring to this area of Huddersfield. As the heritage assessment states, it can certainly be argued that the proposals for the frontage of the development plot would be much more sympathetic to the overall progression of designated and undesignated heritage assets along Manchester Road.

8. Much of the consultation response is subjective and based on limited information, rather than a detailed heritage appraisal of the site and area which has now been submitted. As the heritage assessment concludes, this proposed development can be seen to represent the modern equivalent of the relationships evident in the local built environment in the second half of the 19th century, and at the same time is appropriate for the needs and requirements of the 21st Century.

We'd also like to make it clear that we initially submitted an acceptable heritage response that was proportionate to the importance of the site and context. We are disappointed that the published consultation response has afforded the application site undue elevated significance which has led to further costs and inevitable delays being incurred by the applicant, including the commissioning of the attached report.

We are also disappointed that no communication has been received at all to date from you on this application, including your assessment of the conservation and design consultation response, despite our multiple requests for an update, and when the statutory consultation periods ended a number of weeks ago now. We are still not aware whether you actually require this more detailed heritage assessment, but to

endeavour to expedite matters the applicant has asked for it to be prepared and submitted anyway.

26/07/2024 – Case officer email to applicant, stating:

I have reviewed the application with Management and unfortunately, we cannot support the scheme as submitted. We have significant concerns regarding visual amenity and impact on heritage assets, particularly regarding the design, size and scale of the building. The development is also considered to appear incongruous within the site and the wider street scene.

For these reasons, we are looking to move the application forward with a refusal. The scheme would require significant amendments to overcome Officers concerns, of which the changes required would fundamentally result in a new scheme. As such, we feel that moving to a decision is the best course of action for this application and we will therefore not be accepting any amendments.

I would therefore be grateful if you could please discuss the above with your client and let me know whether they would like to formally withdraw the application. If so, could you please let me know in writing by the close of play, Tuesday 30th July. Otherwise, I will continue to determine the application, to which the applicant will have the right to appeal.

If you would like any advice regarding this scheme going forward, I would suggest submitting a pre-application.

02/08/2024 – Applicant emails to case officer and to Cllr Pattison.

07/08/2024 – Case officer email to applicant, stating:

Officers note and appreciate the points you have raised regarding the scheme providing a welcomed £3 million investment into Huddersfield, as well as fulfilling the need for purpose-built student accommodation, and supporting local businesses. I would add that the demolition of the site's existing building (which currently causes visual harm) is another positive aspect of the proposal. These are all matters that attract positive weight in the balance of planning considerations.

However, officers have significant concerns regarding other aspects of the proposed development, particularly in relation to design and conservation matters. These are of such significance that – in its current form – the proposal could not be supported with a recommendation for approval. The notable public benefits of the proposal would not outweigh the harm that would be caused.

KC Conservation and Design have reviewed the new Heritage Impact Assessment and have provided the following comments:

We would to a degree, agree in the respect that the impact on the Grade II 14 and 15 Woodthorpe Terrace, would be lesser, however, there will still be an impact, which should be taken in consideration.

We note the comments in relation to the previous 2020 application, however, would comment on the fact that each application is considered on its own merits and for that reason, we would not change our assessment in terms of the impact on the Grade II Listed Spring Lodge.

We would equally not change our assessment in terms of the impact regarding design, scale and massing of the proposed development. We would therefore retain our objection to the proposed development, which as previously set out:

“We consider that the proposals would not accord with Policies LP24 (a) and LP35 (a) of the Kirklees Local Plan. We would equally set out that the proposals owing to the harmful impact on the setting of the Listed buildings would not meet the test of 66(1) of the Planning (Listed Building and Conservation Areas) Act. We would further add that we are not convinced that the proposals have provided a clear or justification for the proposed development which would therefore mean it fails the test of 206 of the NPPF. We consider that the proposals would cause harm to the setting of the Listed Buildings introducing development which is entirely disproportionate in scale, height and design to the setting of the noted listed buildings and the character of the local area and we do not consider that there is sufficient evidence or justification of benefits which would outweigh the harm. We therefore consider that the proposals should either be withdrawn or refused”.

In addition to the above conservation concerns, as set out in the email sent to your agent on 26/07/2024, there are wider concerns regarding the proposed development’s relationship with its surroundings and the street scene. The proposal is not sufficiently respectful of the patterns of development found in this area, particularly along 138 to 164 Manchester Road and 24 to 27 Woodthorpe Terrace, where buildings are located on or close to the street, extensive gardens survive behind those buildings, buildings within those rear gardens are limited, and massing (including heights) tends not to increase away from the street frontage. Furthermore, entrances face (and are visible from) the street, which help to create a legible street scene. The proposed site plan shows the development having a close relationship with the site’s front, side (western) and rear boundaries, and extending far back into the site with height rising away from the street frontage. These aspects of the proposal would result in an uncomfortable massing relationship with the site’s surroundings, and overdevelopment of the site. The size and scale

of the building would make it appear incongruous within the street scene. Its overall height and massing would result in an oppressive and overbearing design, the effect of which is clearly demonstrated on the submitted sections plan. The proposed elevational treatments, and the location of the building's entrance (concealed away from the street frontage) would further exacerbate the problem of the proposed development relating poorly to its context and appearing incongruous.

Additionally, while no formal comments have been received to date (that are showing on the council's website), concerns have been raised by KC Highways Development Management and KC Ecology. These are provided in more detail below:

KC Highway DM: The proposal would provide unacceptable servicing arrangements, with reversing in and out of the site at this location being a non-starter. Internal turning would therefore be required which cannot be achieved with the size of the development proposed.

KC Ecology: BNG information needs to be updated with information provided in statutory metric (currently uses small sites metric). The PEA recommends an EclA and therefore this is required to follow report recommendations.

The additional ecological information/reports have not been requested from your team due to the concerns raised in respect to the design and layout of the development. We felt that it was unnecessary/unreasonable to add the additional costs of providing these reports, when the planning application cannot in any case be supported.

Lastly, as set out within my email of 26/07/2024, the changes that would be required to amend this scheme to acceptability would be substantial. The scheme would need to be completely redesigned, and a new application would need to be submitted. Officers still maintain this position and will therefore look to move the current application on to a decision. You will have the right to appeal against a refusal of planning permission.

As with all major applications, the LPA advise developers to use our pre-application service, as it allows a detailed response to be provided before the submission of any planning application (along with what can sometimes be a substantial planning fee). The aim of the pre-application service is to highlight any potential concerns, which can be addressed through discussions with officers, before the formal planning application is submitted. This should allow for a smoother planning process.

Should you wish to enter into detailed discussions regarding the scheme then we would suggest submitting a formal request for pre-application advice. Details of our pre-application advice service can be found online at: <https://www.kirklees.gov.uk/beta/planning-applications/get-pre->

[application-planning-advice.aspx](#). Please note, however, that any future built form would need to be significantly reduced taking into account the concerns raised above.

10/10/2024 – Officer and applicant team met.

12/11/2024 – Applicant emailed “sketch design proposals”.

28/11/2024 – Case officer email to applicant, advising that the proposals emailed on 12/11/2024 were not acceptable, stating:

Design and heritage – The revised proposal from the previous submission only appears to be minor. Officers are not averse to the increase in the width of the front section of the building looking onto Manchester Road. However, we do think that the fenestration would need to be rationalised to be more traditional and reflect the character of the street scene along Manchester Road.

Additional amendments are also required to the rear section of the building [annotated snipped drawing extracts were included].

Highway and waste (subject to the above design concerns being addressed).

The internal bin store is considered to be acceptable.

The three spaces are acceptable and they all scale to 2.4m x 4.8m. However, a swept path analysis would be required to show that vehicles can turn on site, so they enter and exit the site in forward gear for highway safety reasons (the adopted highway is a classified main distributor road, A62, and as such we wouldn't want to see any reversing manoeuvres either on or off the road).

The case officer asked for confirmation (by 12/12/2024) as to whether the applicant would like to withdraw the application, or would like officers to proceed with a refusal based on the original plans.

28/11/2024 – Applicant email to case officer, requesting meeting.

04/12/2024 – Case officer email to applicant, noting that written advice was provided on 07/08/2024, that officers met the applicant team on 10/10/2024, and that further advice was provided on 28/11/2024. Noting that the latest advice provided a clear steer on what could be accepted at the site, the case officer advised that additional advice (to that already provided) could not be offered. The case officer again noted that the applicant had the option of withdrawing the application or allowing officers to proceed with a refusal on the basis of the original plans, and asked the applicant to confirm which option was preferred.

11/12/2024 – Applicant email to case officer, with further amended proposals. A 31-room scheme was illustrated. Arguments in support of the proposals were presented.

12/12/2024 – Case officer email to applicant, advising:

As set out previously, you have the option of withdrawing the application or allowing officers to proceed with a refusal (on the basis of the original plans). We did not invite the submission of further amendments for consideration under application 2024/91199.

We will proceed with the refusal of the current application, unless you wish to withdraw the application today.

12/12/2024 – Applicant email to officers, requesting further consideration of the amended proposals.

12/12/2024 – Team Leader (Majors and Minerals team) spoke with the applicant's agent, reiterating the council's position.

23/12/2024 – Team Leader (Majors and Minerals team) email to applicant, reiterating the council's position, confirming that further amendments would not be accepted, and that officers would proceed with a refusal of the proposal as previously submitted (issuing by the end of January), unless the application is withdrawn.

13/10/2025 and 04/11/2025 – Case officer email to applicant, asking if the application was to be withdrawn, in light of the approval of the later application (2025/90512).

04/11/2025 – Applicant email to case officer, confirming preference for determination, and asking if – in light of the approval of the later application (2025/90512) – the original proposal could be re-evaluated.

13/11/2025 – Applicant email to case officer, requesting that amended proposals be considered.

17/12/2025 – Case officer email to applicant, advising:

The council's approval of the later application (2025/90512) does not affect the assessment of the earlier application (2024/91199). The proposals submitted under that earlier application are still considered problematic. I should be able to write up the council's refusal of permission before the end of the month.

18/12/2025 – Applicant email to case officer, again requesting that amended proposals be considered. Follow-up emails were received on 05/02/2026 and 13/03/2026.

20/03/2026 – Case officer email to applicant, confirming that the council's refusal will be based on the original submission (for a development of 49 rooms), as previously advised.

Of note, the attempted submissions of amended plans on 12/11/2024, 11/12/2024, 13/11/2025 and 18/12/2025 were not formally accepted for consideration under the current application, as they did not adequately address the relevant concerns. Those submissions were not uploaded to the council's website or put to public consultation.

In addition to the above, negotiations between officers and the applicant took place in relation to the later application (2025/90512, for a smaller development of 31 bedrooms within 11 apartments) that was received on 24/02/2025 and approved on 10/10/2025. Details of those negotiations are set out in the delegated report for that application.

Application publicity

The application has been advertised (as a major development affecting a public right of way and the setting of a listed building) via letters to neighbouring occupants, four site notices posted on 20/06/2024, and a press notice published on 05/06/2024. This was in line with the council's adopted Statement of Community Involvement at the time of submission.

No responses were received.

The site is within Newsome ward. Ward members were notified and no substantive comments were received regarding the proposed development.

Consultation

The points raised by consultees are summarised as follows:

- Lead Local Flood Authority – Supports application, subject to condition regarding temporary surface water drainage. The proposed allowable surface water discharge rate of 3.5 l/s via an 82mm diameter HydroBrake to the Yorkshire Water Combined Sewer in Manchester Road is acceptable. It is assumed that the HydroBrake will be located in the final SW MH (S1 on the Drainage Plan). The proposed attenuation storage of 16 cubic metres in an oversized pipe as shown in the hydraulic calculations is acceptable.
- KC Conservation and Design – Objection. Site is close to listed buildings. It is evident that the area has a reasonably high degree of sensitivity, and any proposed development has to be closely considered. The submitted Heritage Statement is brief, unconvincing and may not meet the requirements of paragraph 200 of the NPPF. It briefly outlines context and setting, but relies heavily on the list entries for the noted Listed Buildings and does not provide any real form of assessment of their setting or of the

potential impacts of the proposed development. It does not mention the Grade II listed 14-15 Woodthorpe Terrace. It appears to be heavily subjective and seems to provide reasons why the proposed design is considered acceptable and how it provides some form of mitigation, rather than acknowledging any impact on setting. The applicant's assessment for Spring Lodge (in concluding comments 5.0) states "It is also likely that there was previously other built form on the site, replaced by the single red brick building that is currently located there" – this is an entirely false statement and shows that there is a lack of understanding of the site. When looking at the historical development of the site, it is clear that historically the plot of land was formerly connected to the Grade II listed Spring Lodge. Looking at the historic map regressions, Spring Lodge is noted as being the vicarage likely connected to the Grade II* Church of St Thomas. The lands to the south can clearly be seen to be a historic gardens/grounds to the former vicarage with a winding path leading off Manchester Road, lined with trees leading up to the vicarage. This appears to be the case until the 1950s when the land to the south saw the development of the existing two storey dwelling. While there is nothing to confirm this, it does appear that consideration was given to the development, ensuring that it was set to the left-hand side of the plot and was only a modest two stories, ensuring that the historic connection was retained. It is therefore clear that the site forms part of the setting of the Grade II listed Spring Lodge. The site also forms a part of the wider setting of the Grade II listed 14-15 Woodthorpe Terrace. This listed building can be experienced off Manchester Road.

The proposed development would near enough fill the plot and would also extend further back. The development would entirely interrupt the views and appreciation of Spring Lodge and 14-15 Woodthorpe Lodge and would have a significantly harmful impact on their setting and the historic grounds associated with Spring Lodge.

Regarding the listed buildings 160, 162 and 164 Manchester Road, while these are detached from the site, they are experienced off Manchester Road when looking along the road from the west and the east. The proposed development is of a considerably greater height and scale than the existing surrounding development. The development would be clearly visible in long views along the row of terraces. The submitted statement tries to set out that – with similar and contemporary materials, maintaining a strong continual eave line and simple façade with pitched roofs – the proposals reflect and respect the character and setting of the listed buildings. This subjective assessment is not accepted. While the building may make use of similar materials, the design elements are entirely incongruous and in no way reflect the character or setting, even in a contemporary style.

The development would have a harmful impact on the setting of the Grade II listed Spring Lodge and Grade II listed 14-15 Woodthorpe Terrace. The development would also have a harmful impact on the wider setting of the Grade II listed 160, 162 and 164 Manchester Road as it would create development which is disproportionate and incongruous with the streets scene and setting.

The proposals would not accord with policies 124 (a) and LP35 (a) of the Kirklees Local Plan. The proposals, owing to the harmful impact on the setting of the listed buildings, would not meet the test of 66(1) of the Planning (Listed Building and Conservation Areas) Act.

There is not a clear, justification for the proposed development, therefore it fails the test of paragraph 206 of the NPPF.

The proposals would cause harm to the setting of the listed buildings, introducing development which is entirely disproportionate in scale, height and design to the setting of the noted listed buildings and the character of the local area. There is not sufficient evidence or justification of benefits which would outweigh the harm. The proposals should either be withdrawn or refused.

- KC Environmental Health – Findings of applicant's air quality, noise and site contamination reports are accepted. Conditions and informative notes recommended.
- KC Highways Development Management – Objection on highway safety grounds. Proposals would not exacerbate the opportunity for collisions along Manchester Road. Proposed narrowing of access may require either a kerbed junction or narrowing of the existing dropped kerb with reinstatement of the full kerb – full details of the proposed changes to the access will be required. No visibility splays are shown, however a splay of 2.4m x 43m is likely to be achievable – this would need to be indicated clearly on a drawing. No turning is proposed within the site and so to service the building the 11.85m Kirklees refuse collection vehicle would need to reverse in across the very busy A62 – this would not be acceptable. At the site frontage A62 Manchester Road is three lanes wide and the queue from the traffic signals at the junction with Longroyd Lane regularly reaches the frontage of the site – the reversing of a refuse vehicle into the site would cause a highway safety concern. Support pillars may narrow the proposed middle parking space, however the spaces meet the size standards. Submitted drawing only shows swept path for the southernmost (most accessible) space, and not for the other two. Turning for the middle space may be difficult due to the narrowing caused by the pillars, and the northernmost space would not have sufficient manoeuvring space

to allow a car to turn to enter and exit in forward gear, especially if the other parking spaces are occupied. The northernmost space will therefore not be used or will cause drivers to reverse out onto the A62 Manchester Road, which would be a highway safety concern. Therefore, only two usable parking spaces are proposed, which may be acceptable for general day-to-day parking (which can be managed), however a problem is expected to arise at the start/end of term drop-off and pick-up periods. For these periods, a booking system should be employed, with drivers pre-booking a timed slot. Although loading/unloading could be managed, some non-managed parking may be generated. Occupants should be advised to use sustainable or active travel modes. Refer to PROW team's specialist comments.

- KC Highways Structures – Condition recommended regarding retaining walls adjacent to existing highways including public footpath HUD/327/30.
- KC Public Rights of Way – Concern regarding scale of buildings adjacent to footpath, giving footpath a tunnel effect. External lighting and CCTV to footpath is a positive, however gate should not open onto footpath. Public footpath Huddersfield 327 is adjacent to the site and must not be interfered with or obstructed prior to, during or after development works.
- KC Strategic Housing – No affordable housing required of this student accommodation development.
- KC Trees – No objection. A TPO-protected Hawthorne tree is no longer present. The submitted Arboricultural Impact Assessment is sufficiently detailed and shows little to no impact on the retained trees. An Arboricultural Method Statement would be preferred, but is not essential due to the low quality of the trees on site.
- KC Waste Strategy – Proposed bin store shows 6x 1,100 litre wheeliebins, however 10x 1,100 litre wheeliebins would be appropriate. Provision for separate food waste collection should be made. Bin store doors are sufficiently wide for a wheelie bin to pass through. Additional information required regarding containers, capacity and design of the waste storage. Unclear if concierge or residents would be responsible for collecting and transferring waste. Details of bin presentation point requested. Suitable site access and manoeuvring space required. If application is to be approved, condition recommended requiring details of management and maintenance of waste storage areas.
- Canal and River Trust – No comment.
- West Yorkshire Police Designing Out Crime Officer – No objection. Condition recommended regarding security measures. Generic

advice provided regarding lighting, gates, doors, windows, fire safety, access, boundary treatments, public spaces, trees and vegetation, internal walls and doors, mail delivery, motorcycle and cycle storage, car parking, bins, CCTV, alarms, and security enhancement.

- Yorkshire Water – Drainage scheme requires amendment (this can be achieved via condition). Site-surveyed position of the 100mm diameter public sewer crossing the site should be shown and taken into account in the scheme's design. Evidence should be submitted to show that other means of surface water disposal (other than discharge to the public sewer) have been considered. Discharge to sewer should not exceed 3.5 litres per second. Conditions recommended regarding separate systems of drainage for foul and surface water, and details of disposal of surface water. A water supply can be provided to the development.

Assessment

The relevant planning considerations are:

- Land use and principle of development
- Design and conservation
- Highways
- Waste storage and disposal
- Residential amenity and quality
- Drainage and flood risk
- Trees, landscaping and biodiversity
- Other planning considerations

Land use and principle of development

In the Local Plan the site is unallocated, and the proposed student accommodation therefore does not conflict with an intended (allocated) future use of the site. Local Plan policy LP1 states the council will take a positive approach (to development proposals) that reflects the NPPF's presumption in favour of sustainable development. It adds that, where there are no policies relevant to a proposal at the time of making a decision (which is the case here in respect of site allocation), the council will grant permission unless material considerations indicate otherwise.

The 2025 update of the five-year housing land supply position for Kirklees shows 4.18 years supply of housing land, and the 2023 Housing Delivery Test (HDT) measurement which was published on 12/12/2024 demonstrated that housing delivery for Kirklees for the previous three years (April 2020-March 2023) has fallen below the 75% pass threshold.

As the council is currently unable to demonstrate a five-year supply of deliverable housing sites, and as delivery of housing has fallen below the 75% HDT requirement, it is necessary to consider planning applications for housing

development in the context of NPPF paragraph 11. This paragraph triggers a presumption in favour of sustainable development. For decision making this means:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:

1. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

2. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”

Footnote 8 of the NPPF clarifies that for applications involving the provision of housing, the presumption applies to situations whereby the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, or where the Housing Delivery Test has fallen below the 75% pass threshold.

The council's inability to demonstrate a five-year supply of housing land or pass the Housing Delivery Test weighs in favour of housing development. Nonetheless, this must be balanced against any adverse impacts of granting the proposal.

The proposed loss of one existing residential unit from the site is considered acceptable, given that the proposed provision of 24 studios and flats would result in a significant net increase in the number of residential units at the site.

The proposed development would introduce a sui generis use (purpose-built student accommodation) to the site. There is no objection in principle to this. As confirmed under Principle 10 of the council's Affordable Housing and Housing Mix SPD (2023), the university and student sector provide an important role in the economy and housing market in Huddersfield town centre, and proposals for student accommodation will be supported.

The front (southern) part of the site is within the Manchester Road / Longroyd Lane Local Centre, as designated in the Kirklees Local Plan. Local Plan policy LP13 states that the role and function of Local Centres shall be to “Provide for top-up shopping and local services particularly food and drink”, however it does not rule out residential development in Local Centres.

The submitted application form indicates that the site's existing building includes a vacant retail unit at ground floor level. The loss of an appropriate main town centre use (retail) from the Manchester Road / Longroyd Lane Local Centre would normally be considered regrettable, however at this site

the applicant team (during discussions relating to application 2025/90512) have stated that the ground floor unit has been vacant for over six years (online imagery suggests this is correct), and the premises are not ideally suited to present-day retail requirements (due to its limited window display, its detachment from other retail uses within the centre and its front setback which limits its visibility). It is not considered that the proposed development would have a significant adverse impact on the vitality and viability of the Local Centre, and it is not considered that the proposed development would compromise the Local Centre's role and function. Given the increased resident population of the site (it is again noted that the number of residential units would increase from one to 24), it is in fact likely that the proposed development would have a beneficial impact upon the Local Centre, given that residents may visit the existing businesses operating here.

Local Plan policy LP13 also states that "All proposals shall be inclusive for all users, and be attractive to pedestrians, cyclists, and public transport users. They shall also conserve and enhance the local character, heritage, green spaces and the public realm where appropriate". These matters are considered later in this report.

Residential uses (including student accommodation uses) already exist adjacent to the site and in the surrounding area, and are not known to be problematic in these locations. Similarly, the proposed student accommodation use is not considered to be incompatible with the surrounding residential, retail and other uses. Significant noise is unlikely to be generated by the activities associated with the proposed development, and the proposals do not involve the introduction of a new highly-sensitive use that would be adversely affected by the operation of existing nearby businesses or community facilities.

The submitted application form states that there are no existing employees on the site, and that the proposed development would not increase or decrease the number of employees. However, it is considered likely that the proposed development would in fact create some (albeit limited) employment, as there would be regular janitorial and maintenance work to be carried out during the lifetime of the development.

The application site is within a wider minerals safeguarding area (surface coal resource, with sandstone and/or clay and shale). Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion 1c of policy LP38 is relevant, and allows for approval of a form of residential development here, as there is an overriding need (in this case, housing needs, having regard to Local Plan delivery targets) for it.

Given the above assessment, it is considered that the proposed development is acceptable in land use terms. The principle of development is also considered acceptable.

Design and conservation

Local Plan policies LP24, LP32 and LP35 are relevant, as are chapters 11, 12 and 16 of the National Planning Policy Framework (NPPF) and the National Design Guide. In relation to the nearby listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant.

Policy LP24 states that proposals should promote good design through various means. Policy LP32 states that proposals should be designed to take into account and seek to enhance the landscape character of the area. Policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The application site is relatively sensitive, given its prominent location on one of the main roads leading to / from Huddersfield Town Centre. Thousands of people pass the site every day when using this busy, important thoroughfare. The site's size and topography (it slopes uphill away from the road) also contribute towards its visibility and prominence.

The site's context is also sensitive. Several listed buildings and non-designated heritage assets surround the site, and much of the significance of these heritage assets is derived from their relationships with, similarities to, and spacing in relation to other buildings. There is a relatively consistent palette of materials in the surrounding area (natural stone predominates). Much of the area has a strong nodal and transport-related character, given the concentration of routes and crossings (road, rail, river and canal) here. Three public houses once surrounded the canal bridge. The ages of the majority of buildings also contribute to the area's character – according to Ordnance Survey maps and Historic England list entries, most buildings date from the 19th century. These attributes give the area surrounding the application site a high level of historic and townscape interest, and a strong and consistent character – indeed, the area between (and including) the Church of St Thomas and the Paddock Railway Viaduct (and possibly areas further west) could be worthy of conservation area status.

The loss of the site's existing dwelling is considered acceptable in design and conservation terms, and is in fact welcomed, given the harm it currently causes to the townscape, the visual amenities of the area, and the settings of surrounding heritage assets. This harm is caused by the existing building's inappropriate materials, setback front building line, storey heights, roof form, shuttered front windows and general poor condition, and due to the way it currently allows exposure of an unsightly slate-clad gable end at 142 Manchester Road.

The principle of significant development in this location is considered acceptable, however any such development must be appropriately limited in scale, and must sit comfortably and respectfully among its neighbours. Although any development at this site could be regarded as an intrusion into what appears to have originally been the long garden of what is now 27 Woodthorpe Terrace (and, arguably, an intrusion into the setting of that listed building), the application site has not formed part of that property's garden for

many years, and it has previously been separated and developed (although not to the extent now proposed). For these reasons, and because of its appropriately-limited scale, the development proposed under the later application (2025/90512) was considered acceptable.

For the earlier, larger development proposed under this application (2024/91199), however, there are significant concerns in relation to design and conservation considerations.

The extent to which the proposed development would spread rearwards (uphill, towards 27 Woodthorpe Terrace) is a key concern. Any development here should be respectful of the existing pattern of built form and undeveloped space that currently exists at the application site and adjacent land. Particularly along 138 to 164 Manchester Road and 24 to 27 Woodthorpe Terrace, buildings are located on or close to the street, extensive gardens survive behind those buildings, buildings within those rear gardens are limited, and massing (including heights) tends not to increase away from the street frontage. That undeveloped space should not be intruded into. The proposed development, however, disregards and interrupts this pattern, with a new building that would extend significantly further north than the northernmost elevations and projections of the existing buildings to the east and west (the terrace of 142 to 156a Manchester Road and 138 Manchester Road), greatly reducing the undeveloped space.

The proposed height of this new building is also of significant concern, and similarly disregards and interrupts existing patterns of development. Behind the front (southernmost) part of the proposed development, heights would rise to four storeys (with accommodation within the roof space), and then to a full five storeys (although the rear elevation would be three storeys high, due to the site's topography). The new building would therefore stand significantly taller than the terrace of 142 to 156a Manchester Road and 138 Manchester Road, and as a result would loom above these existing buildings and would appear highly obtrusive in the street scene and wider views. The proposal to limit the height of the development's southernmost part (to three storeys, with accommodation within the roof space) would do little to mitigate this visual impact – the applicant's elevations, sections and 3D views (in the Design and Access Statement) demonstrate that the development's significant height would be very apparent in views from the public realm. A development that was more respectful of and subordinate to the height of 138 Manchester Road (which was originally a club house (possibly church-related), serving a public role, and therefore had some justification for being prominent in the street scene) would instead be appropriate here.

Together, the proposed heights and northward projection would result in a development with a vast massing that would appear overdominant, would fail to respect existing patterns of development, would significantly harm the street scene, and would cause significant harm to the visual amenities of the site and its surroundings.

In principle, contemporary design can be considered acceptable in historic environments, provided that such designs are heritage-sensitive. Respect for surrounding heights and building lines, the use of materials that match those that predominate in the area, and respectful fenestration rhythm can help a contemporary design sit comfortably within such a setting.

In this case, the applicant proposes a front building line that would respect that of the adjacent terrace (142 to 156a Manchester Road). This is considered appropriate. A 3-storey front (Manchester Road) elevation has been approved under the later application (2025/90512), albeit with a lower eaves height and a different proportions (the approved scheme has a wider front elevation to Manchester Road, which further reinforced the existing front building line of 142 to 156a Manchester Road), and as part of a development that did not include vast, harmful massing behind its front part. The proposed eaves line nearest to Manchester Road would be lower than that of 138 Manchester Road, which is appropriate. The front part of the proposed development would have a hipped roof (which, in some respects, would reference the hipped roof of 27 Woodthorpe Terrace).

The proposed arrangements and sizes of fenestration in the new building's southernmost element are largely considered acceptable. Although most surrounding buildings have their ground and first floor windows vertically aligned, the different approach proposed at the application site (where windows would not align with those of the storey above / below) would provide visual interest to the proposed elevations. The window apertures would be taller and narrower than those of most surrounding buildings, however in some respects they would reflect the tall, narrow ground floor windows of the adjacent 138 Manchester Road to the east. Adequate window reveals (of 100mm to 150mm) would need to be provided to ensure that sufficient relief to the elevations is achieved – has the application been recommended for approval, this detail could have been secured by condition. The number and locations of the proposed rooflights are considered acceptable in design terms, and a condition could have required these to be conservation-style rooflights.

There is, however, significant concern regarding the proposed entrance arrangements. Entrances to developments should be legible, visible and obviously located, ideally in front elevations facing the public realm (as is the case in most existing buildings surrounding the application site). This is important not only for streetscape, public realm animation, crime prevention and safety reasons, but also to assist with deliveries, and to assist residents and visitors who have certain disabilities and cognitive impairments. The new building's communal entrance is proposed within the new partly-enclosed yard (from where it would be accessed), and would not be readily visible from the public realm of Manchester Road. This location is considered unacceptable for the development's communal entrance, as it would undermine the legibility of the development, and would result in insufficient animation and activation of the development's frontage and the important public realm that it should engage with.

Stone cladding is referred to on the submitted elevations, however it is not clear whether this would be natural stone (which, if matched to the locally-quarried natural stone that predominates in the area, would be appropriate) or artificial stone (which would be inappropriate for this sensitive site). The submitted Design and Access Statement refers to “ashlar and pitched face stone”, and it is again unclear whether the ashlar stone would be natural or artificial.

Brick cladding is also referred to and illustrated in the submitted elevations. Although proposed within the development’s yard (away from Manchester Road) this material would be visible from public vantagepoints. Red brick is not commonly found in the area surrounding the application site, and it is considered to be an incongruous and unacceptable material for this sensitive site.

The submitted elevations suggest that the proposed pitched face stone would be used in panels, framed by horizontal and vertical elements clad with ashlar stone. Had the proposals been considered acceptable in all other respects, a condition would have been imposed, securing an appropriate method of fixing the stone cladding (ensuring that fixings behind the stone would not be visible between each cladding piece).

Roofs and parts of the top storey would be clad with a standing seam material in “quartz zinc” colour. While this is considered acceptable in principle for the rear parts of the new building (subject to details and samples, which would have been secured via a recommended condition), natural slate should be used for the development’s front part, and this roofing material would need to closely match the slate traditionally used on older buildings in the surrounding area, and should therefore be a natural (preferably UK-sourced) slate. In the absence of natural slate being proposed for this part of the development, the proposed roofing materials are not considered context-appropriate or acceptable.

Details that would have been secured via condition (had the proposed development been considered acceptable in all other respects) would need to confirm the profile and orientation of the standing seams, and the sheen of the proposed standing seam material.

Windows and doors would be dark grey. Using a dark grey colour for the new building’s windows and doors would help ensure a simple and restrained palette would be implemented across the development, although this effect would be counteracted by the proposed use of inappropriate brick. However, it is unclear what material would be used for the windows and doors, and it is noted that uPVC windows would not be suitable for this site. Had the proposed development been considered acceptable in all other respects, a condition requiring full details of the windows and doors would have been imposed.

A detached store and covered patio is proposed to the rear of the new building. Due to the site’s topography, this would be at a higher level, however

it would be barely visible from Manchester Road by virtue of 142 to 156a Manchester Road and the new building blocking sightlines. The outbuilding would be single-storey, would be built with the same external materials as the main building (stone cladding and standing seam roofing), and would have only one opening (a door, facing eastwards towards a proposed access gate). The design of this outbuilding is considered acceptable. Furthermore, due to its limited size, the proposed outbuilding (on its own) would not result in a significant, unacceptable creep (rearwards, uphill) of development and massing towards 27 Woodthorpe Terrace (although it would add to the significant creep of development caused by the new building).

The application site currently has boundary treatments that are of some interest, and that may be contemporary with (possibly once enclosing the long garden of) 27 Woodthorpe Terrace. These include a stone wall and two stone gate piers at the site frontage, “straight-and-wiggly” metal railings to the side boundary, and a stone wall (with coping) beneath those railings.

The submitted Design and Access Statement states that “There will be secure boundary walls and fencing to the perimeter of the site and a vehicular and pedestrian gate on the Manchester Road frontage”. The proposed site layout includes a shrubbery to the site’s Manchester Road frontage, a shrubbery along the common boundary shared with 27 Woodthorpe Terrace, and an “existing hedge and fence boundary” to the boundary at the highest part of the site. A gate is shown in the site’s side (eastern) boundary, providing access from the adjacent track to the proposed store and covered patio. The submitted elevations appear to show stone perimeter walls to the site’s Manchester Road and side (eastern) boundaries.

Notwithstanding what is shown on the submitted drawings, it may be preferable to retain and re-use the site’s surviving boundary treatments, or parts of them, where possible. Restoration (which may need to involve dismantling and rebuilding in some places) could contribute positively to the street scene, to the setting of the new building, and to the settings of heritage assets. They could also serve as a reminder of the site’s history. The two stone gate piers could be re-used for the proposed vehicular entrance. Had the proposed development been considered acceptable in all other respects, a condition relating to boundary treatments would have been appropriate. The feasibility of retaining and re-using surviving boundary treatments (which is likely to require further investigation and discussion) could have continued at conditions stage. For visual amenity and heritage reasons, it is not recommended that 1.8m high boundary treatments be provided. In addition to masonry walls and railings, the planting of hedgerows along site boundaries would be supported, particularly as this could help achieve the required 10% Biodiversity Net Gain, and (if thorny species are specified) could help to secure the site. Details that would have been submitted pursuant to the boundary treatments condition would need to include details of the gates to the site entrance.

No signage is shown on the proposed elevations, and no signage would be approved under this application for full planning permission. Separate advertisement consent(s) may be necessary for such installations.

The proposed development is considered acceptable in relation to the prevention and deterrence of crime and anti-social behaviour. Section 8.0 of the submitted Design and Access Statement addresses crime prevention, and confirms that measures such as secure perimeters and gates, lighting and CCTV would be implemented to minimise risks. The proposed layout and most other aspects of the development's design would not create significant new opportunities for crime (however, the location of the proposed communal entrance is considered less than ideal in this respect), nor would any parts of the site become unacceptably more vulnerable in these respects. The proposed provision of a bicycle store within the envelope of the main building is considered acceptable, provided that the store is made sufficiently secure. The West Yorkshire Police Designing Out Crime Officer raised no objection in principle to the proposed development, subject to further information being submitted at conditions stage.

Regarding accessibility, Local Plan policy LP24f requires the needs of a range of different users (including people with disabilities) to be met, and accessible and inclusive spaces to be created. Lift access would be provided to all floors of the development, and it appears that the provision of step-free access from the footway of Manchester Road to all of the 24 studios and flats would be possible.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on local planning authorities – when considering whether to grant planning permission – to have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. Policy LP35 of the Local Plan is also relevant, and states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

The nearest listed building to the application site is the Grade II listed 27 Woodthorpe Terrace (to the north). As noted above, much of the application site appears to have originally been the long garden of this house, and it is noted that the 1850 Ordnance Survey map of the area also appears to show the adjacent Clifton Cottage and Woodthorpe House with long gardens running downhill. At the time it was built (in the early 19th century), the house would have occupied a commanding position above Manchester Road, and would have been visible from that important thoroughfare. Much of the significance and grandeur of that house would have been derived from that position, the house's south elevation, the site's topography, and the relatively limited surrounding development (at that time, the terrace of 142 to 156a Manchester Road and 138 Manchester Road had not been built). However, subsequent development later in the 19th century, and the erection of the detached 140A Manchester Road in the 20th century, greatly eroded and intruded into the space surrounding the house, and reduced its visibility from

Manchester Road. As noted in the glossary of the NPPF, the extent of the setting of a heritage asset (i.e., the extent of the surroundings in which a heritage asset is experienced) is not fixed, and may change as the asset and its surroundings evolve. The significance of 27 Woodthorpe Terrace is now derived mainly from its age, architecture, elevational detailing, garden (which is much smaller than it once was), and presence on Woodthorpe Terrace, none of which would be adversely affected by the proposed development. As noted above, the application site has not formed part of the garden of 27 Woodthorpe Terrace for many years, and it has previously been separated and developed (although not to the extent now proposed). It is noted that the proposed development would screen most views of 27 Woodthorpe Terrace from Manchester Road, however those views were already at least partly obstructed by the site's existing detached dwelling, and by a dense row of conifers planted along the boundary between the application site and 27 Woodthorpe Terrace. The removal of the application site's existing detached two-storey dwelling (which, as noted above, currently causes harm) would improve the setting of 27 Woodthorpe Terrace in some respects. The historic, largely non-physical association between 27 Woodthorpe Terrace (when it was in use as a vicarage) and the Church of St Thomas would not be affected by the proposed development.

However, the proposed development's impact on the setting of 27 Woodthorpe Terrace is a material consideration relevant to this application, and some of the significance of that listed building is still partly derived from the space around it and its relationship with surrounding buildings and spaces, notwithstanding the fact that those surroundings have become more crowded with development over time, and that that space has been eroded.

The vast massing proposed at the application site, and in particular its height and northward projection, would result in significant harm to the setting of 27 Woodthorpe Terrace. Although the new building would not stand taller than 27 Woodthorpe Terrace (due to the listed building being on higher land), it would intrude significantly into the land around it, creeping uphill and eroding the undeveloped space that forms part of the setting of the listed building. The result would be a cumbersome, ill-considered, visually distracting and overbearing development that would rival the prominence of the listed building (it must be noted that prominence can indeed be undermined by development built at a lower level than the affected building), and would not maintain an appropriate, respectful distance from this designated heritage asset. Weighing these matters, officers consider that the proposal would result in substantial harm to the heritage significance of 27 Woodthorpe Terrace¹. When considering such cases, paragraph 214 of the NPPF states:

214. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the

¹ In this respect, the proposed development differs significantly from the smaller, more respectful development approved under the later application (2025/90512) for this site.

substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) the harm or loss is outweighed by the benefit of bringing the site back into use*

In this case, the identified substantial harm is not necessary to achieve substantial public benefits that would outweigh that harm. Significant development is possible at this site without causing such harm – there is ample space at the southern end of the site to accommodate a major development that would deliver a significant net increase in residential units (which is considered a key benefit, having regard to the current housing supply situation in Kirklees), that would reinforce the enclosure of Manchester Road, and that would screen the unsightly slate-clad gable end at 142 Manchester Road. Indeed, the later, approved application (2025/90512) at this site related to a major development of 31 bedrooms (within 11 apartments) that delivered these public benefits without causing unacceptable harm to heritage assets. The harm that the 49-bedroom proposal would cause is entirely avoidable, and it should not be assumed that any and every major development at this site must cause such harm.

Criteria a to c of NPPF paragraph 214 are not relevant to the assessment of the proposed development's harm, as the heritage asset in question (27 Woodthorpe Terrace) is currently occupied (and appears to be in relatively good condition), and is understood to be in separate ownership. Harmful development at the application would not assist in securing the conservation of this heritage asset. With regard to criterion d, it is again noted that the application site can be developed (and brought fully back into use) without needing to cause harm to the heritage asset to the north.

Given the above assessment, it is considered that the identified harm clearly warrants refusal of planning permission (in accordance with paragraph 214 of the NPPF). The public benefits of the development do not outweigh the harm.

Other designated heritage assets are located further away from the application site, and have less of a direct relationship with it. To the west, 160, 162, 164 and 166-170 Manchester Road are all Grade II listed, and derive some of their significance from their relationship with Manchester Road. The proposed development would be seen in some of the same street views that take in these listed buildings, and although the proposed development would stand significantly taller than them and would appear highly obtrusive in the street scene and wider views, the degree of harm caused by the development's effect on the significance of these designated heritage assets would not be so significant as to warrant refusal of planning permission.

14 and 15 Woodthorpe Terrace, the Church of St Thomas (Grade II* listed), the Huddersfield Narrow Canal Bridge and the Paddock Railway Viaduct are listed buildings. The space around these designated heritage assets, and their relationships with other buildings, would suffer a degree of harm caused by the proposed development, however this would not be so significant as to warrant refusal of planning permission. In most cases these are prominent buildings, and that prominence would not be significantly reduced or rivalled by the proposed development. The remaining, glimpsed view of 14 and 15 Woodthorpe Terrace from Manchester Road would be lost, however that view is not considered to be so important as to warrant referring to that impact as harmful.

For the same reasons, the significance of the area's non-designated heritage assets would not be adversely affected to the extent that planning permission should be refused. The layout of roads and routes around the application site (including the track directly to the east, which was the only means of accessing the villas uphill prior to Woodthorpe Terrace being built, and which now carries public footpath HUD/327/30) would not be changed. The context of 138 Manchester Road, and those non-designated heritage assets associated with the canal and the area's industrial history and role as a significant transport corridor, would change, but not adversely to a significant extent.

Given the nearest part of the Springwood Conservation Area is approximately 310m away to the northeast, given the intervening buildings and topography, and given the limited views that take in both the application site and the conservation area, it is considered that the character and appearance of this designated heritage asset would not be adversely affected by the proposed development.

A brief Heritage Assessment (by Fibre Architects) was submitted with the application. A further, more detailed and researched assessment by Dr Stuart Wrathmell was submitted on 19/07/2024, and the accompanying email suggest that this assessment was commissioned in response to the comments of KC Conservation and Design (and, therefore, was prepared after the development proposals were formulated, and did not inform them). Neither assessment document provides a convincing case for the scale of development proposed at the site, or justification for the harm that would be caused.

Given the above assessment, it is considered that the proposed development is not acceptable in relation to design and conservation matters. Significant harm to visual amenity would be caused by the development, and substantial harm would be caused to the Grade II listed 27 Woodthorpe Terrace. The proposed development fails to comply with relevant design and conservation policies in the Local Plan (LP24 and LP35), with chapters 12 and 16 of the NPPF, and with the Planning (Listed Buildings and Conservation Areas) Act 1990.

Highways

Local Plan policies LP20, LP21, LP22, LP23, LP24 and LP47 are relevant to the highways implications of the proposed development, as is chapter 9 of the NPPF.

Existing highway conditions are noted. Manchester Road (the A62) is a 30mph two-way single carriageway primary distributor road of approximately 10.2m width, with footways on both sides, and with street lighting present. There are “no waiting at any time” TRO markings to both sides at the application site frontage, and a bus lane opposite to the east of the site. Manchester Road hosts a high frequency bus route and there are stops within 60m of the proposed site entrance. The closest convenience store is approximately 60m from the site and the application site is within walking distance of Huddersfield Town Centre and the main University of Huddersfield campus. A track runs along the eastern edge of the application site, carrying public footpath HUD/327/30.

Having regard to the applicant’s trip generation information (set out in the submitted Combined Transport Statement and Travel Plan), it is accepted that a development of this type (specifically student accommodation) and size (with only three drop-off parking spaces proposed) is not likely to generate sufficient trips that would have a severe impact on the operation or efficiency of the local highway network.

Having regard to accident data, it is considered that the proposed development would not exacerbate the opportunity for collisions along Manchester Road.

Although a visibility splay of 2.4m x 43m is likely to be achievable at the site entrance (as has been demonstrated in a drawing submitted under the later application (2025/90512)), two key concerns have been raised by KC Highways Development Management in relation to vehicles moving in and out of the developed site, as follows:

- No space for turning is proposed within the site, and so to service the building the 11.85m Kirklees refuse collection vehicle would need to reverse in across the very busy A62 – this would not be acceptable. At the site frontage A62 Manchester Road is three lanes wide and the queue from the traffic signals at the junction with Longroyd Lane regularly reaches the site’s frontage – the reversing of a refuse vehicle here into the site would cause a highway safety concern.
- Of the three on-site parking (drop-off / pick-up) spaces, the northernmost space would not have sufficient manoeuvring space to allow a car to turn to enter and exit in forward gear, especially if the other two parking spaces are occupied. The northernmost space would therefore not be used or would cause drivers to reverse out onto the A62 Manchester Road, which would be a highway safety concern.

The above concerns are noted, however with regard to refuse collection, it is noted that, under the later application (2025/90512), KC Highways Development Management did not raise an objection in principle to waste collection being carried out from the kerb side, and it is considered that a similar arrangement (obviating the need for refuse collection vehicles to enter the site) could be implemented for this larger development proposal. Had the development been considered acceptable in all other respects, details of these arrangements would have been secured by condition.

With regard to the accessibility of the northernmost on-site parking (drop-off / pick-up) space, it is not recommended that planning permission be refused on the grounds that this space would not be used, or on the grounds that drivers using this space are likely to reverse out onto the A62, given that use of the three spaces could be appropriately managed to ensure such reversing does not occur (this is likely to mean only two of the spaces could be used at the same time). Of note, the three proposed parking spaces themselves would be of a suitable size. These spaces are not expected to be allocated to residents – instead, they would be used for maintenance / servicing and for start- and end-of-term drop-off and pick-up use. For start- and end-of-term drop-off and pick-up, a booking system would need to be employed for the spaces, with drivers pre-booking a timed slot where they would be allowed to unload / load. Details of how this provision would operate are needed, and would have been secured by condition (had the proposed development been considered acceptable in all other respects).

A Vehicular Access and Servicing Management Plan (VASMP) (including a Car Park (drop-off/pick-up) Management Statement (CPMS), to address the above matter) would have been secured by a recommended condition. For highway safety reasons, the proposed development should not be allowed to result in unmanaged and illegal parking on the double yellow lines on Manchester Road.

Should any changes be proposed to the site's existing dropped kerb, this would need to be done under the correct legal agreement with the council as Local Highway Authority.

The proposed bicycle store (as shown in drawing AL0010 rev C) would accommodate 40 bicycles, which is considered adequate for the number of residents likely to live in the development, and the number of those who are likely to cycle. No other details of cycle parking have been provided.

Regarding sustainable transport, a travel plan would not normally be required for a development of this size. The applicant has submitted a Combined Transport Statement and Travel Plan which includes recommendations regarding travel planning. There is no objection to such promotion of and support for sustainable and active travel at the site, and implementation of a travel plan at this site would be welcomed, although it would not be subject to annual monitoring by the council. No sustainable transport contribution is considered necessary for a development of this size and nature.

The track that runs along the eastern edge of the application site carries public footpath HUD/327/30. No works are proposed to this track, although a new gate would be installed (providing access to the detached store, covered patio, other patio and landscaped areas), and the applicant's submission indicates that a replacement boundary treatment is proposed along this eastern boundary of the application site. The excavation of part of the site and the erection of the new building (which would have a retaining role) may have implications for the public footpath. Therefore, had the proposed development been considered acceptable in all other respects, a condition would have been imposed, requiring the submission of details of all new retaining walls and building retaining walls adjacent to the existing highway (including Manchester Road and public footpath HUD/327/30).

The council's Transport Scheme Route (TS3 – Huddersfield Southern Gateway), which involves parts of Manchester Road, would be unaffected by the proposed development.

Had the proposed development been considered acceptable in all other respects, a condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP), including measures intended to help ensure the highway would not be obstructed during the construction phase, would have been imposed.

Waste storage and disposal

Local Plan policies LP24d(vi) and LP43, and the Highway Design Guide SPD are relevant, as is the council's Waste Management Design Guide for New Developments (2020, updated 2021).

Waste and recycling bins would be stored in a dedicated room within the new building at ground floor level, accessed via the proposed yard. KC Waste Strategy have raised concern regarding the capacity of the proposed bin store, and had the proposed development been considered acceptable in all other respects, officers would have sought amendments and/or further information (such as details of arrangements for more regular collections, or use of a compactor) that would justify the undersized bin store.

Waste collection would need to be carried out at the kerb side on Manchester Road to the front of the application site. This would require careful management to ensure that the waste and recycling bins are left in a suitable place for collection (where they are accessible to the collection team but not where they would obstruct the highway or footway), and returned promptly to the storage area after collection. It is again noted that a Vehicular Access and Servicing Management Plan (VASMP), including a Servicing and Waste Management/Collection Management Plan (SWMCMP), would have been imposed had the proposed development been considered acceptable in all other respects.

The doors to the proposed bin store would be wide enough for bins to be moved through.

Residential amenity and quality

The surrounding area includes residential uses to the north and west.

Notwithstanding the above concerns regarding the scale of the proposed new building, the proposed new building raises no significant concerns in relation to natural light, privacy and overshadowing impacts, due to its dimensions and location in relation to neighbouring residential properties (and their windows and outdoor amenity spaces). 142 Manchester Road has two side windows in the gable end at roof level (second floor), however these appear to be obscure glazed, and due to their size they are unlikely to be the sole source of natural light and outlook for a habitable room. Due to the proposed gap between the existing and proposed elevations, and the hipped roof design, those two windows would still receive at least some natural light in any case.

The rearward projection of the proposed development may reduce natural light (including morning sunlight reaching 142 Manchester Road in summer, and daytime sunlight reaching part of the garden of 27 Woodthorpe Terrace), but not to the extent that refusal of planning permission is warranted on residential amenity grounds.

A patio is proposed in the rear garden of the proposed development. While it is noted that this area can already lawfully be used as an outdoor amenity space, an intervening building (Darci House, 156B Manchester Road) with no rear habitable room windows would provide screening, such that the amenities of 142 to 156a Manchester Road would not be significantly affected when the patio is in use.

The proposed development is unlikely to introduce new sources of noises (that would cause significant impacts) to this main road location, that could affect existing nearby residents.

The amenities of the future occupiers of the proposed development are also material planning considerations.

The following unit sizes are proposed (all figures are GIA):

- Ground floor:
 - Studio 1 – 20.4sqm
 - Studio 2 – 28.7sqm
 - Studio 3 – 20.2sqm
- First floor:
 - Cluster flat 1 (5-bed unit) – 111.6sqm
 - Studio 4 – 18.4sqm
 - Studio 5 – 18.8sqm
 - Studio 6 – 19sqm
- Second floor:
 - Cluster flat 2 (5-bed unit) – 111.6sqm
 - Studio 7 – 18.2sqm

- Studio 8 – 18.8sqm
- Studio 9 – 21.6sqm
- Studio 10 – 22sqm
- Studio 11 – 19sqm
- Cluster flat 3 (5-bed unit) – 108.2sqm
- Third floor:
 - Studio 12 – 20sqm
 - Studio 13 – 18.8sqm
 - Studio 14 – 18.5sqm
 - Studio 15 – 18.2sqm
 - Studio 16 – 18.8sqm
 - Studio 17 – 21.6sqm
 - Studio 18 – 22sqm
 - Studio 19 – 19sqm
 - Cluster flat 4 (5-bed unit) – 108.2sqm
- Fourth floor:
 - Studio 20 – 18.6sqm
 - Studio 21 – 20.3sqm
 - Studio 22 – 22.6sqm
 - Studio 23 – 22sqm
 - Studio 24 – 19sqm
 - Cluster flat 5 (5-bed unit) – 108.2sqm

The above floorspace figures fall short of the minimum sizes set out in the Government's Nationally Described Space Standard in respect of all of the studios proposed, however the cluster flats would be compliant. In that standard, floorspace of at least 37sqm is expected for studios, 74sqm for 3-bed units, 90sqm for 4-bed units, and 103sqm for 5-bed units.

Notwithstanding the above, the unit size mix expectations set out in the council's Affordable Housing and Housing Mix SPD (2023) are not applied to student housing developments, although due regard to the implications of the smaller sized units is required.

All units would be provided with windows and rooflights, providing outlook and access to natural light. In most cases this provision would be adequate, although studio 3 at ground floor level would only have a corner window close to the side elevation of 138 Manchester Road.

All units would have adequate levels of privacy.

A first floor common room, a ground floor gym, communal kitchens (for the cluster flats), a garden, a covered patio and one other patio would be provided as part of the proposed development.

Although adequate amenity should be provided for all types of residential accommodation, it is accepted that, in some respects, student accommodation need not be provided with the same level of amenity as is required for general needs housing, as student lets usually last less than a year, are transitory, and residents are normally able to return to their

parental/guardian homes during academic holidays and at other times. With this noted, it is considered that, overall, the proposed amenity and quality (described above) is acceptable for the proposed student occupation. Amendments were not sought, and refusal of permission is not recommended, on the grounds that the studio apartments would be small and the outlook from (and natural light to) studio 3 would be compromised.

Although the proposed amenity and quality is considered acceptable for student accommodation, it would not be considered adequate for other types of occupancy. Therefore, had the proposed development been considered acceptable in all other respects, a condition restricting the occupation of the residential accommodation to students in full-time education would have been imposed, as has been imposed on other developments for student accommodation in Kirklees.

The applicant has submitted a Residential Noise Assessment in support of the application. This assessment considers noise ingress into the proposed residential accommodation. Traffic noise from Manchester Road is the main source of noise affecting the site. A noise survey was carried out at the site in March 2024. The submitted assessment sets out recommendations regarding insulation, glazing and ventilation of the proposed development. KC Environmental Health reviewed this assessment, accepting its findings, and recommending a condition requiring the implementation of its recommendations. This condition would have been imposed, had the proposed development been considered acceptable in all other respects.

The front (southwest) part of the application site is within an Air Quality Management Area (AQMA 10 – Thornton Lodge) in relation to elevated levels of Nitrogen Dioxide. The application site is also located on a road of concern (Manchester Road) in relation to air quality. The applicant has therefore submitted an Air Quality Assessment, which details the impact of the development on air quality during both the construction and operational phases. KC Environmental Health reviewed this assessment, agreeing with its conclusion, but noting that – although the proposed development would be classed as “Medium” (applying WYLES guidance) in terms of air quality due to its size and use – it would be partly within an AQMA and next to a road of concern and therefore it would meet the criteria for a “Major” development. Notwithstanding this, KC Environmental Health noted that data gathered from the council’s monitoring tube located less than 20m away from the application site confirmed that the air quality at the site was predicted to be below the national air quality objective. Further to this, as only three car parking spaces are proposed, KC Environmental Health did not expect that vehicles traveling to and from the site would impact air quality.

The proposed development is therefore considered acceptable in relation to air quality, subject to the requirements of conditions relating to construction phase dust and requiring one of the three parking spaces to be provided with an electric vehicle charging point that would have been imposed had the proposed development been considered acceptable in all other respects.

A condition requiring the submission, approval and implementation of a Construction (Environmental) Management Plan (C(E)MP) would have included measures to help ensure residential amenity would be protected during the construction phase, including in relation to noise, dust and artificial light. KC Environmental Health also advised that, due to the scale of the development and the proximity of residential properties to the site boundary, a condition to limit the construction times would be appropriate.

Drainage and flood risk

The front (southwest) part of the application site is located within Flood Zone 2. The majority of the site is, however, within Flood Zone 1. The Huddersfield Narrow Canal is approximately 55m away, to the south of the application site. Further south, approximately 70m away from the nearest part of the application site, is the River Colne. A Yorkshire Water sewer runs north-south across part of the application site (to the rear of 142 Manchester Road).

Annex 3 of the NPPF confirms that residential accommodation (including student accommodation) is a “more vulnerable” use in relation to flood risk. The applicant has not submitted a sequential test in relation to flood risk, and has not considered alternative sites for the proposal. This is considered appropriate, given that the application relates to a previously-developed site, and given that no residential accommodation is proposed at ground floor level within the small part of the site that falls within Flood Zone 2. Similarly, no exception test is considered necessary in relation to flood risk.

The development’s vehicular entrance is proposed at the new building’s southwest corner, and no residential accommodation is proposed within Flood Zone 2. Residents of the development would be able to escape the new building (in the event of a flood) via the main communal entrance and the entrance to studios 1, 2 and 3 within the proposed yard, and would be able to move to higher ground further north without having to enter Flood Zone 2.

The applicant has not submitted a full Flood Risk Assessment, but has submitted:

- Engineering Feasibility drawing E24/8164/001
- Causeway Calculations (Haigh Huddleston and Associates, dated 23/04/2024)

An on-site storage pipe (providing 16 cubic metres of storage surface water) is shown, as is a hydrobrake that would attenuate surface water discharge from the site (before it is disposed of to the Yorkshire Water combined sewer beneath Manchester Road) at a rate of 3.5 litres per second.

The Lead Local Flood Authority (LLFA) were consulted on the application. The LLFA support the application, stating that the proposed allowable surface water discharge rate of 3.5 l/s via an 82mm diameter HydroBrake to the Yorkshire Water Combined Sewer in Manchester Road was acceptable, and that the proposed attenuation storage of 16 cubic metres in an oversized pipe

as shown in the hydraulic calculations was acceptable. In later comments related to application 2025/90512, the LLA accepted that surface water needs to be disposed of via the combined sewer, given that soakaways are not suitable at this sloped site (where there are properties with cellars nearby) and given that no suitable watercourses exist.

The condition (regarding temporary surface water drainage) recommended by the LLFA would have been imposed had the development been considered acceptable in all other respects.

The Yorkshire Water sewer running north-south across part of the application site would not be affected by the proposed development – the proposed new building would be located away from it.

The application site is within an area where the Canal and River Trust are to be notified of applications for major development. In response to the council's consultation, the Canal and River Trust made no comments on the proposed development.

Given the above assessment, the proposed development is considered to be compliant with policies LP27 and LP28 of the Local Plan, and chapter 14 of the NPPF.

Trees, landscaping and biodiversity

The provision of a Biodiversity Net Gain (BNG) of 10% is now a mandatory requirement for developments in England under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). This is subject to limited exceptions. Unless exempt, every planning permission granted pursuant to an application submitted after 12/02/2024 is deemed to have been granted subject to a pre-commencement condition requiring a Biodiversity Gain Plan to be submitted and approved by the local planning authority prior to commencement of the development.

This application was received on 26/04/2024, with an application form dated 24/04/2024.

The applicant has not put forward a case that the development is exempt from the mandatory BNG requirement, nor do officers consider exemption applicable in this case.

It is also noted that policy LP30 of the Kirklees Local Plan requires developments to minimise impacts on biodiversity and provide biodiversity net gains, and that the council's Biodiversity Net Gain Technical Advice Note sets out an expectation for 10% BNG to be achieved.

The applicant submitted a Biodiversity Metric spreadsheet, albeit using an incorrect metric (the Small Sites Metric was used, which is not applicable to major developments, and version 4.0 was used). This error was addressed under the later application (2025/90512) through the submission of a

Biodiversity Metric spreadsheet that related to what was proposed under that application, however no corrected spreadsheet was submitted under this earlier application.

As no appropriate Biodiversity Metric spreadsheet has been submitted, a proper assessment of the proposed development's impacts in relation to on-site biodiversity cannot be carried out. Furthermore, the applicant has not demonstrated that the relevant 10% BNG requirement has been addressed, or could be addressed through on-site and/or off-site measures. It is therefore recommended that permission be refused on these grounds.

It is noted that part of the application site would not be developed under the current proposals, and that there is scope for greatly improving the on-site provision of habitat as part of a comprehensive landscaping scheme.

It is accepted that – as there is no existing watercourse at the site – a 10% BNG in respect of watercourse units is not required at this site.

Had the proposed development been considered acceptable in all other respects, the pre-commencement Biodiversity Gain Plan general planning condition (imposed by legislation) would have applied.

The applicant has submitted a Preliminary Ecological Appraisal, which includes a Preliminary Roost Assessment. A site survey was carried out on 28/02/2024, and the findings of that survey – although now somewhat dated – are still of some use. No evidence of badgers, bats, or aquatic species was found. No hedgehogs or bird nests were observed, however it was noted that parts of the application site offer suitable habitat. The site was found to have minimal potential for reptiles, and was unsuitable for hazel dormouse and red squirrel. No negative impacts were identified in relation to most species of note, however it was accepted that birds could be impacted if the site is cleared during nesting season.

No trees of significant size or amenity value would be lost as part of the proposed development. As noted above, a record of a Tree Protection Order 26/91/t3 still applies to the application site, however this is considered void as the tree has been removed.

Much of the application site has been soft landscaped in the past, however the site was subsequently allowed to become overgrown and unkempt, and it was partly cleared in recent years. Problematic species (rhododendron and montbretia) are present at the site.

The applicant has submitted a Site / Landscaping Plan as Proposed (drawing AL0003 rev D). This provides little information in relation to landscaping, other than annotations indicating where grass and shrubberies are proposed, and where trees would be retained. Appropriate landscaping is required by policy LP24 of the Local Plan, and in addition would help to enhance the setting of heritage assets surrounding the application site (notwithstanding the harm that the development would otherwise cause). A condition relating to hard and

soft landscaping would have been imposed, had the proposed development been considered acceptable in all other respects.

Other planning considerations

The application site is within a Development Low Risk Area, as defined by the Mining Remediation Authority. The Mining Remediation Authority did not need to be consulted on the application.

According to records held by the council, no parts of the application site are potentially contaminated, although land to the south is potentially contaminated. The applicant has submitted a Phase 1 Geo-environmental Report which provides a desk-top study assessment of the potential source pollutant linkages at the site, recommends a site investigation to establish the geo-environmental conditions at the site, recommends that topsoil and subsoils should be sampled and tested, and recommends that any suspected areas of contamination should also be targeted for metals, metalloids, EPA 16 PAHS and asbestos. KC Environmental Health reviewed this assessment, accepting its findings, and recommending four conditions related to site contamination. These conditions would have been imposed, had the proposed development been considered acceptable in all other respects.

No supporting Climate Change Statement was submitted by the applicant.

The size of the proposed development does not trigger the requirement for an agreed training or apprenticeship programme referred to in Local Plan policy LP9.

Conditions

Given the proposed development was considered unacceptable (and required a redesign that would be considered under a new application) conditions were not draft or shared with the applicant team.

Section 106 agreement

No Section 106 agreement would have been required in connection with the proposed development.

As confirmed at paragraph 4.7 of the council's Affordable Housing and Housing Mix SPD (2023) and in the comments of KC Strategic Housing, student accommodation is not subject to requirements regarding affordable housing provision. A condition restricting the occupation of the residential accommodation to students in full-time education would have been imposed, had the proposed development been considered acceptable in all other respects.

Conclusion

The principle of residential development (for occupation by students) at this site is considered acceptable.

The proposed development, however, raises significant concerns in relation to design and conservation matters, particularly in relation to visual amenity impacts and the substantial harm that would be caused to an adjacent listed building. That harm is not outweighed by the proposed development's public benefits.

The proposed development is contrary to policies LP24 and LP35 of the Kirklees Local Plan, chapters 12 and 16 of the National Planning Policy Framework, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Refusal of permission is recommended for this reason.

A second reason for refusal is also recommended in light of the applicant's failure to submit an appropriate Biodiversity Metric spreadsheet with the application.

The public benefits of the proposed development are again noted, as is the housing supply situation in Kirklees and the tilted balance that applies, however these considerations do not outweigh the concerns, and refusal of planning permission is recommended.

Recommendation: Refuse

Report Dated: 27/03/2026

Recommendation: Refuse full planning permission

Decision Authorisation: Delegated powers

Application Number: 2024/91199

Reasons for refusal:

1) The proposed development, due to its height, rearward projection, massing, relationships with surrounding buildings and spaces, materials and entrance location, would cause significant harm in relation to visual amenity, would relate poorly to its context, would cause substantial harm (that would not be outweighed) to the setting of a listed building at 27 Woodthorpe Terrace, and would fail to appropriately engage with the public realm. It has not been demonstrated that the proposed development achieve a substantial public benefit that would outweigh the identified harm. The proposed development is therefore contrary to Policies LP24 and LP35 of the Kirklees Local Plan, chapters 12 and 16 of the National Planning Policy Framework, and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2) In the absence of an appropriate Biodiversity Metric spreadsheet, it has not been demonstrated that the proposed development would achieve an appropriate Biodiversity Net Gain. The proposed development is therefore contrary to Policy LP30 of the Kirklees Local Plan, chapter 15 of the National Planning Policy Framework, and Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Plans and specifications schedule:

| Plan/document type | Reference | Version | Date received |
|---------------------------------|------------------|----------------|----------------------|
| Location Plan as Existing | EX0001 | | 29/04/2024 |
| Site Plan as Proposed | AL0003 | Rev C | 29/04/2024 |
| Site / Landscaping as Proposed | AL0003 | Rev D | 17/05/2024 |
| General Information as Proposed | AL0010 | Rev C | 29/04/2024 |
| GA Elevations as Proposed | AL0020 | Rev A | 29/04/2024 |
| GA Sections as Proposed | AL0030 | Rev A | 29/04/2024 |
| Planning Statement | April 2024 | | 17/05/2024 |
| Schedule of | | | 17/05/2024 |

| | | | |
|---|--|-------------|------------|
| Accommodation | | | |
| Design and Access Statement | Fibre Architects, 24/04/2024 | | 29/04/2024 |
| Heritage Assessment | Fibre Architects, March 2024 | | 29/04/2024 |
| Assessment of the Potential Impact on Heritage Assets | Dr Stuart Wrathmell | | 19/07/2024 |
| Combined Transport Statement and Travel Plan | Paragon Highways, 2307, April 2024 | First Issue | 29/04/2024 |
| Engineering Feasibility | E24/8164/001 | | 29/04/2024 |
| Causeway Calculations | Haigh Huddleston and Associates, 23/04/2024 | | 29/04/2024 |
| Residential Noise Assessment | Nova Acoustics, NP-010863, 22/04/2024 | Rev 02 | 29/04/2024 |
| Air Quality Assessment | Redmore Environmental, 7881r, 11/04/2024 | Version 1 | 29/04/2024 |
| Phase 1 Geo-environmental Report | Haigh Huddleston and Associates, E24/8164/R001, March 2024 | | 29/04/2024 |
| Preliminary Ecological Appraisal | Whitcher Wildlife, 240227, 29/02/2024 | | 29/04/2024 |
| Small Sites Metric (Biodiversity Metric 4.0) | Derek Whitcher, 01/02/2024 | | 17/05/2024 |
| Arboricultural Survey and Impact Assessment | Tree Care Consultancy, AIA-1932-1, 16/04/2024 | | 29/04/2024 |
| Rapid Health Impact Assessment | | | 17/05/2024 |

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

Report Dated: 27/03/2026