

Robert Halstead

Chartered Surveyors & Town Planners

N.C. Willock MRICS MRTPI

Office G of H, Bridge Mills, Huddersfield Road, Holmfirth, HD9 3TW

Tel: 01484 686322 e mail: nick@roberthalstead.co.uk

Planning Development

Planning Statement: Land west of Lidget Street, Lindley, Huddersfield

Site Description

The application site measures 0.78 ha and is located close to the centre of Lindley on the western side of Lidget Street. The site was previously used by the Council as offices, and a day centre (formally known as Oakmead). The demolition of these buildings was sought and approved in 2014 (ref: 2014/90919) and these buildings have subsequently been demolished.

Directly north of the site is a children's home (Woodlands) and north-east of the site lies the Grade II listed Manor House, a wedding venue, restaurant and bar. St. Stephen's Parish Church (also a Grade II listed building) is located directly east of the site. There are allotments located south of the site and a residential area located west of the site.

Access to the site is off an existing driveway from Lidget Street that currently serves both the application site, Woodlands and the Manor House.

Planning History

2021/90887 – Outline application for erection of residential development - Approved

2018/92378 – Outline application for erection of residential development – Approved

2014/93632 – Outline application for erection of residential development – Approved

2014/92871 - Outline application for erection of residential development - Withdrawn

2014/90919 – Prior notification for proposed demolition of building – Approved

Site Designation

The site is allocated for housing on the Kirklees Local Plan Policies Map (ref: HS37) with an indicative capacity of 20 dwellings. Part of the site is also located within the Lindley District Town Centre Boundary.



Application Site (view facing north-west)

The Proposals

This application seeks outline planning permission for residential development.

Like the previous applications, all matters (access, scale, layout, appearance and landscaping) are reserved for subsequent approval, with this application seeking approval for the principle of residential development only.

No indicative layout plan is submitted, nor an indicative number of dwellings. However, the indicative access is proposed from Lidget Street to the east of the site. This access would be shared with the Children's Home located to the north-west of the site and the Manor House, which is located north-east of the site.

Timeline for development

Whilst it is appreciated the LPA may have concerns regarding repeated outline applications on this site, the applicants are now very keen to move the site forward towards development and it is therefore envisaged this 'renewal' of permission will be the last one in anticipation of a reserved matters application and subsequent development in the near future – i.e. commencing ideally within the next 12 months.

Assessment of the Proposals

Principle of Development

The application site is allocated for housing in the Kirklees Local Plan (ref: HS37). The site is currently vacant and consists of low-lying vegetation with trees and a hedgerow bordering the site. The site is located in the urban area of Lindley, Huddersfield, within walking distance of local shops and services, including Lindley Church of England Infant School, Lindley Junior School and the Huddersfield Royal Infirmary. Several bus routes travel from Lidget Street to Huddersfield at frequent intervals (routes 370, 371 and 372). The site therefore provides an excellent opportunity for sustainable residential development.

There is a presumption in favour of sustainable development as outlined in Local Plan Policy LP1 and paragraphs 7 -14 in the NPPF. Paragraph 8 in the NPPF states that sustainable development is achieved through economic, social and environmental objectives that include,

'ensuring that sufficient land of the right types is available in the right places at the right time to support growth; ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and protecting and enhancing our natural, built and historic environment including making effective use of land.'

As detailed further in the Housing Supply and Delivery section below, Kirklees Council is currently unable to demonstrate a five year housing supply and therefore the presumption in favour of sustainable development is triggered.

NPPF Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision taking, this means, "where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:

- (i) the application of policies in this Framework that protected areas or assets of particular importance provides a clear reason for refusing the development; or
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

In relation to (i) above, there are no relevant 'protection' factors, and for (ii) there have been no material changes in circumstances to suggest that planning permission should be withheld on the basis of adverse impacts *significantly and demonstrably* outweighing the benefits. To the contrary, the Government has declared a national housing crisis and is seeking to significantly boost house building rates during this parliamentary term, in order to achieve a target of 1.5 million homes nationwide.

In the previous application (ref: 2021/90887 Committee Report Section 10), the LPA considered that the site could be developed for residential use and there was no reason to believe that the site's potential constraints and challenges could not be satisfactorily addressed at the reserved matters stage.

It is considered that no material changes in circumstance have occurred since the previous application was approved and as such, the principle of development remains acceptable.

Brownfield land and use of under-utilised sites in sustainable locations

The proposed development would be located on a site formerly used by the Council for offices and a day care centre, and as such can be considered to constitute brownfield land. Both the NPPF¹ and the Local Plan² strongly support the regeneration and recycling of brownfield sites as a priority, in order to help support the overarching principles of sustainable development, which remain at the heart of Government planning policy. In particular NPPF paragraph 125 states:

*'Planning policies and decisions should: c) give **substantial weight**³ to the value of using suitable brownfield land within settlements for homes and other identified needs.'*

In connection with this site being currently under-utilised, NPPF Paragraph 125 also *promotes and supports the development of underutilised land, especially if this would help to meet identified need for housing.*

Local Plan Policy LP3 (Location of new development) also states that, *development will be permitted where it supports the delivery of housing growth in a sustainable way and seeks to ensure that opportunities for development on brownfield (previously developed) sites are realised early in the plan...; as well as providing access to a range of transport choices and access to local services.*

The development of a reasonably dense scheme on this accessible and yet under-utilised brownfield site, will fulfil the aforementioned planning policy objectives and will reduce pressure to develop Greenfield and / or Green Belt sites in future, which are also likely to be less accessible / sustainable.

Housing Supply and Delivery

Paragraph 61 in the NPPF states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed.'*

As detailed above, the site is allocated for housing.

However, the Local Plan now exceeds five years old and the confirmed position for Kirklees Council⁴ is that there is no longer a five year supply of specific deliverables site.

In addition to the confirmed inadequate housing supply position, housing *delivery* in Kirklees has also fallen below 95% of the Local Authority's housing requirement over the previous three years and is at 67% - again triggering the presumption in favour of sustainable development.

¹ Paragraph 124 in the NPPF states that, *'Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses.'*

² LP 3 (Location of new development) also states the following: *'2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, (which includes), c. ensuring that*

³ Our emphasis

⁴ Kirklees Housing Position Statement to Boost Supply February 2024

In these circumstances, the Council is obliged to afford substantial weight to the presumption in favour of sustainable development (i.e. applying the ‘tilted balance’) unless there are any adverse impacts that would *significantly and demonstrably* outweigh the benefits.⁵

The ‘tilted balance’ will be re-visited later in this assessment.

Paragraph 73 goes on to state that, *‘Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, are essential for Small and Medium Enterprise housebuilders to deliver new homes and are often built-out relatively quickly.’*

Nationally at the time of writing, the new Government⁶ has acknowledged the housing crisis with the immediate decision to re-introduce compulsory house targets and the “urgent steps” pledge to build 1.5 million homes within this parliamentary term.

Given the above, the principle of development in terms of sustainable development and housing supply & delivery is considered to be strongly supported in accordance with Local Plan Policies LP1 and LP3, the aims of Chapter 5 in the NPPF, and paragraphs 7 to 14 in the NPPF.

The proposed development on this housing allocation site in the urban area of Lindley, Huddersfield has an indicative capacity of 20 houses. It is currently available, and as the following paragraphs will demonstrate, it remains highly suitable for residential development

Housing Mix and Affordable Housing

Local Plan Policy LP11 states that, *‘All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.’*

It is expected that a reasonable mix of housing will be provided as part of a reserved matters submission at a later date, in compliance with the above policy.

In relation to affordable housing, it is expected the application will offer a level of affordable housing as part of this development, in line with Local Plan Policy LP11.

Design and Heritage Impact

The proposed development is in outline form only and therefore detailed design proposals are not included within this application. In the previous application, (ref: 2021/90887) the LPA considered that in terms of the local landscape, residential development on the application site would not significantly alter the character of the area.

However, the LPA did state that a sensitive layout and design would be required at the reserved matters stage with particular regard to the nearby heritage assets (Manor House, St. Stephen’s Parish Church and Lindley Clocktower). As there have been no material changes in circumstance since the previous application, it is still considered that a residential scheme on the site could be designed in such a way that preserves the setting of the neighbouring listed buildings in accordance with Local Plan Policy LP35 and Chapter 16 in the NPPF.

⁵ Underlining our emphasis.

⁶ Government News Story “Chancellor unveils a new era for economic growth 8th July 2024”

It is also considered that a suitable layout and design that accords with Local Plan Policy LP24, Chapter 12 in the NPPF and principles 2, 5, 10, 12, 13, 14 and 15 in the Housebuilders Design Guide SPD can also be achieved at the reserved matters stage. A scheme that would respect the character and appearance of the local vernacular, also considering the allotment gardens to the south of the site and the public footpath to the west of the site is considered achievable.

Residential Amenity

The application site is nestled between existing development. Residential dwellings are located to the west of the site on Farnlee and Kirkwood Drive, the Woodlands Children's Home is located to the north-west of the site, the Manor House is located to the north-east of the site, St. Stephen's Parish Church is located to the east of the site, with allotments located to the south of the site.

It is considered that an appropriate design and layout could be achieved on the site at the reserved matters stage that would protect the residential amenities of both existing and future occupants in terms of outlook, privacy and natural light, and would provide future residents with ample parking provision, internal space and proportionate outdoor amenity space. As a result, a suitable scheme is capable of complying with Local Plan Policy LP24, Chapter 12 in the NPPF and the principles 6, 16 and 17 in the Housebuilders Design Guide SPD.

With regard to noise, the LPA noted in the previous application (ref: 2021/90887) that although residential development would increase activity and movements to and from the site, this was deemed acceptable given the size of the site and the likely number of dwellings to be built on it.

The application site is, however, located within close proximity to the Manor House, a wedding venue, restaurant and bar. Environmental Services raised concerns during the previous application with regard to the potential impacts of noise on future occupants from activities occurring in and around the Manor House. A condition was therefore attached to the permission ⁷ requiring the submission of a noise report at the reserved matters stage. As this application is also in outline form only, it is considered that a similar condition could be attached to this permission.

It is also acknowledged that any future design and layout at reserved matters stage would be required to integrate effectively with the existing business use and other neighbouring uses in accordance with paragraph 198 in the NPPF.

Highway Matters

The indicative access is proposed from Lidget Street to the east of the site. This access would be shared with the Woodlands Children's Home located to the north-west of the site and the Manor House which is located north-east of the site. Previous applications at the Manor House (LPA ref: 2014/93327 & 2016/93797) included works to improve the access from Lidget Street. This involved widening the carriageway to 5.5m with the provision of junction radii, footways to both sides and 2.4 x 43m sight lines onto Lidget Street. These works have now been implemented to a standard suitable for a private access but not to adoptable standards.

The Council's Highways Department raised no objections to the principle of development in the previous 2021 application subject to the access and layout being made up to an adoptable standard to serve the proposed development. ⁸ No changes have been made in this application regarding access, which would still be taken via the shared drive from Lidget Street. The proposals are therefore

⁷ Condition 21

⁸ 2021/90887 – Highways Consultation

considered to be acceptable in terms of highways and access and accord with Local Plan Policies LP21 and LP22 and the aims of Chapter 9 in the NPPF.

In the previous application, the LPA also commented that a pedestrian connection to the adjacent footpath would be expected at the reserved matters stage if suitable levels and design permit. In so doing, neighbourhood permeability would be improved. A suitable layout and design of the site to incorporate a pedestrian link to the existing footpath in accordance with Local Plan Policy LP24 d.ii is likely to be achievable.

Drainage

The site is within Flood Zone 1 and is less than 1 hectare in size. As such, a site-specific Flood Risk Assessment is not required. The Lead Local Flood Authority and Yorkshire Water were in support of the principle of development in the previous application subject to certain conditions.

There are no known watercourses or surface water sewers in the immediate vicinity of the site; therefore, if infiltration techniques for the disposal of surface water is found to be unviable, surface water drainage from the site would connect to the public sewer network (subject to approval from Yorkshire Water).

Although disputed in a planning policy sense, the LLFA stated in the previous application that they no longer consider the site to be "brownfield" for the purpose of determining allowable surface water discharge rates and, if infiltration techniques are not viable, greenfield run off rates for surface water discharge from the site to public sewers should be applied and on-site storage provided.

The LPA considered that a drainage maintenance agreement would be required to be put in place to maintain the site drainage system (including any SUDS/storage/flow control installations) following occupation of the housing units until these are adopted by Yorkshire Water to ensure the efficient operation of the system and to accord with Local Plan Policy LP28.

Trees

A number of Tree Preservation Orders are in place on the application site (07/14/g4, 07/14/g5, 07/14/t3, 07/14/t4 and 07/14/t5). The trees are largely located along the boundary of the site. As such it is considered that a residential scheme could be designed in such a way that would incorporate and retain the trees, whilst at the same time protect them during construction and from any future pressures of felling due to amenity/light issues.

The proposed development is therefore considered to accord with Local Plan Policy LP33 for the purposes of this outline application.

Ecology

A fully up-to-date Preliminary Ecological Appraisal has been produced by Knight Sky Ecology and accompanies the application. The main findings, conclusions and recommendations are as follows:

- No fundamental habitat changes have occurred since the previous ecology survey was undertaken in 2021 (a copy of this report is also included as part of the application submission).

- Three invasive species were identified at the site. An Invasive Species Management Plan is therefore recommended in order to detail the measures that will be implemented to treat and manage the invasive species on the site. This can be covered by a suitably worded planning condition.
- Any works undertaken within the bird nesting period (March to August inclusive) should be supervised by a qualified ecologist. A bird box scheme is also recommended and should be provided on at least 10% of the dwellings.
- The trees on site were assessed as having low bat roost potential and therefore no further surveys are required. It is recommended that good practice guidance for lighting on the site is adopted. A bat box scheme is also recommended and should be provided on at least 10% of the dwellings.
- In order to protect animals during construction, including hedgehogs, good practice methods should be implemented.

The proposed development is therefore deemed to be acceptable with regard to ecology for the purposes of this outline application and accords with Local Plan Policy LP30 and the aims of Chapter 15 in the NPPF.

Biodiversity Net Gain

Government Guidance on Biodiversity Net Gain states at Paragraph 002:

“The statutory framework for biodiversity net gain has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, unless exempt, a Biodiversity Gain Plan must be submitted and approved prior to the commencement of that development.”

As the Guidance also confirms (Para 024), “the biodiversity gain condition has its own separate statutory basis, as a planning condition under paragraph 13 of Schedule 7A of the Town and Country Planning Act 1990. The condition is deemed to apply to every planning permission granted for the development of land in England.”

In accordance with Article 7 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the minimum information needed to accompany the application is contained within the application form accompanying this application.

For outline applications such as this, Paragraph 019 of the Guidance states:

“For some planning applications (for instance, applications for outline planning permission where landscaping and layout are reserved matters), the implications for existing onsite habitats and the contribution to onsite gains may be uncertain at the time of the determination of the application. In these cases, decision makers may want to consider what subsequent approvals will be necessary to ensure significant onsite habitat enhancements are appropriately secured.”

In terms of addressing the issue of biodiversity net gain, the existing biodiversity value of the site is 2.12 habitat units. The *indicative* post-development biodiversity value of the site would be 1.12 habitat units; however, this is not set currently because all matters are reserved matters. As such, the applicant

is content to discuss these matters further during the course of the outline application, and it should be noted that the final details of BNG (proportions of on-site, off-site and / or purchase of BNG credits) will only be determined at the reserved matters stage.

As such, the information provided with this outline application is considered to address relevant statutory requirements and further discussions during the course of the application are expected to take place with regard to potential BNG parameters for a reserved matters application.

Land Contamination

As was the case with the previous application, it is considered that suitably worded conditions can be attached with regard to land contamination, to ensure compliance with Local Plan Policy LP53.

Climate Change

A Climate Change Statement is submitted as part of the application. Although the application is in outline form only, it is envisaged that some or all of the following climate change mitigation measures will be incorporated into the development at the reserved matters stage:

- Smart energy metering.
- LED lighting.
- Wall and roof insulation.
- Solar panels.
- Air source heat pumps.
- Bat and bird boxes.
- Native planting.
- Locally sourced materials.
- Electric vehicle charging points.

The proposed development would therefore have a positive impact in terms of mitigating against the effects of climate change, in accordance with Local Plan Policies LP24 and LP26.

Section 106 agreement

A Section 106 agreement accompanied the previously approved application in respect of affordable housing, public open space, biodiversity net gain, school places, drainage and sustainable transport.

Summary and planning balance

This application seeks outline planning permission for residential development with all matters reserved.

The application site is allocated for housing in the Local Plan (ref: HS37) and has therefore been previously assessed as being acceptable for housing development in principle. Furthermore, three previous outline applications for residential development on the site have been approved, the most recent of which in April 2022.

The site is located in the urban area of Lindley, Huddersfield, within walking distance of local shops services, and good public transport links. The site therefore provides an excellent opportunity for sustainable residential development.

In the light of the identified housing supply and delivery issues in Kirklees at present, the Council is obliged to afford substantial weight to the presumption in favour of sustainable development unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

The NPPF in force at the time of writing⁹ states there is a key objective of “significantly boosting” the supply of homes¹⁰, and this policy objective is considered likely to be strengthened further when the new Government revises the NPPF shortly. Indeed, the housing crisis has been acknowledged within the first week of the new Government, with the immediate decision to re-introduce compulsory house targets and the “urgent steps” pledge to build 1.5 million homes within this parliamentary term.

As discussed in the preceding paragraphs of this report, it is considered there are no constraints with regard to other material planning considerations (i.e. heritage impact, highway matters, trees, biodiversity etc) that would significantly and demonstrably outweigh the schemes benefits and the presumption in favour of sustainable development.

It is therefore respectfully requested that outline planning permission is granted once again.

Robert Halstead Surveyors & Town Planners

December 2024

© 2024 Robert Halstead Chartered Surveyors & Town Planners. All rights reserved. No part of this statement may be copied, reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the authors.

⁹ December 2024

¹⁰ NPPF Paragraph 61