

---

August 2016



**Planning Statement  
Oak Mills, Oakenshaw  
Outline application for a residential development  
(all matters reserved except means of access)**

On behalf of

FMB Investments Ltd

Prepared by

I D Planning  
Atlas House  
31 King Street  
Leeds  
LS1 2HL

---

---

## **CONTENTS**

	<b>PAGE NO</b>
1.0 Introduction .....	1
2.0 The Application Site and Proposed Development.....	2
3.0 National Planning Policy .....	3
4.0 Local Planning Policy .....	11
5.0 Planning Assessment.....	13
6.0 Conclusions.....	16

---

---

## 1.0 Introduction

- 1.1 This Planning Statement has been prepared on behalf of FMB Investments Ltd in order to support the outline planning application for a residential development at Oak Mills, Oakenshaw.
- 1.2 Pre-application discussions have taken place with Stuart Daniel when the scope of the application and principle of the development was accepted.
- 1.3 As agreed the following technical information is included;
  - Design and Access Statement;
  - Planning Statement;
  - Site location plan;
  - Development zone plan;
  - Indicative layout plan;
  - Phase 1 Geo-environmental Desk Study;
  - Flood Risk Assessment;
  - Bat Survey;
  - Transport Statement.

---

## 2.0 The Application Site and Proposed Development

- 2.1 The application site is located to the east of Oakenshaw and the M606 just off Cliff Hollins Lane.
- 2.2 The site measures approximately 0.8 ha and is located within the Green Belt. There is a large two-storey stone built building fronting Cliff Hollins lane with a number of existing brick built buildings, cabins and others structures within the site. The vast majority of the remaining site is covered in hard standing and provides for uncovered storage of materials, vehicles and other machinery in conjunction with the commercial operations that take place on the site.
- 2.3 The site is crossed by a small watercourse known as Hunsworth Beck which is a tributary of the River Calder. Hunsworth Beck flows in a natural channel on entry to the site before flowing beneath a steel and concrete deck to emerge in a natural channel around the northern site boundary.
- 2.4 It is noted that the site is at the very north eastern edge of the Kirklees district, the land to the north is within Bradford district and is developed containing both housing and commercial activities. Apart from a very small parcel of land the land within Bradford district is not within the Green Belt

### The Proposal

- 2.5 Outline consent is sought for the principle of residential development and the means of access into the site, all other matters will be reserved.
- 2.6 A development zone plan identifies the development area as being that closest to Cliff Hollins Lane with around one third of the site being undeveloped and therefore made available for landscaping and open space.
- 2.7 An indicative site layout shows the site can deliver 19 dwellings wholly within the development zone.
- 2.8 Access is retained from Cliff Hollins Lane in the northwest corner of the site.

---

## 3.0 National Planning Policy

### National Planning Policy Framework

- 3.1 The National Planning Policy Framework sets out the government's planning policies for England and how these are expected to be applied.
- 3.2 The National Planning Policy Framework must be taken in to account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

### Sustainable Development

- 3.3 The National Planning Policy Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 3.4 The guidance advises that the policies in paragraphs 18-219 taken as a whole constitute the government's view on what sustainable development in England means in practice for the planning system.
- 3.5 Paragraph 7 sets out three dimensions to sustainable development, these being economic, social and environmental and identifies that the planning system performs a number of roles: -
- An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
  - A social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and supports its health, social and cultural wellbeing; and
  - An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.”
- 3.6 Paragraph 8 of the NPPF then goes on to advise that to achieve sustainable development, economic, social and environmental gain should be sought jointly and simultaneously through the planning system.
- 3.7 At paragraph 14 the NPPF identifies that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.
-

- 
- 3.8 Paragraph 14 of the NPPF also goes on to advise that in terms of decision making (i.e. determining planning applications) a presumption in favour of sustainable development means: -
- Approving development proposals that accord with the Development Plan without delay; and
  - Where the Development Plan is absent, silent or relevant policies are out of date, granting permission unless:
  - 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; or
  - Specific policies in this framework indicate development should be restricted.
- 3.9 The following sections of both this Planning Policy Analysis Statement and the supporting documentation submitted with the planning application demonstrate that the development is sustainable and appropriate in planning terms. In particular, the second bullet point above is important as the housing policies in the development plan are considered to be out of date therefore planning permission should be granted unless there are adverse impacts that significantly outweigh the benefits.
- 3.10 The emphasis for decision making is therefore for the Local Authority to approve the development proposals without delay in accordance with paragraph 14 of the NPPF.

### **Core Planning Principle**

- 3.11 Section 17 of the NPPF identifies a set of core land use planning principles which underpin both plan making and decision taking. These 12 principles are as follows: -
- Be genuinely plan led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up to date, and based on joint working and cooperation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
  - Not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider
-

---

opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- Always seek to secure a high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of the different roles and character of the different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and the beauty of the countryside and supporting thriving rural communities within it;
- Support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy);
- Contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- Conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant development in locations which are or can be made sustainable; and
- Take account of and support local strategies to improve health, social and cultural wellbeing for all and deliver sufficient community and cultural facilities and services to meet local needs.”

3.12 In terms of assessing the development proposals against these 12 core planning principles, from the supporting documentation submitted with the planning application the following conclusions can be drawn.

- The development proposal will provide homes in a sustainable manner.

- 
- The proposals will reuse previously developed land that is not of high environmental value.
  - The development preserves the attractive stone building at the front of the site.
  - The indicative layout identifies how a high quality layout and standard of amenity can be achieved.
  - The land has limited environmental value and a significant proportion of the site will be given over to landscape enhancements.
  - The proposal will enhance the character and appearance of the Green Belt by removing the unsightly buildings and uses and replacing them with attractive housing. By identifying an undevelopable area the proposal will enhance the openness of the Green Belt in this area.
- 3.13 The proposal therefore accords with the 12 core principles of the NPPF.

### **Delivering Sustainable Development**

#### **Building a Strong, Competitive Economy**

- 3.14 Paragraph 18 of the NPPF advises that the government is committed to securing economic growth in order to create jobs and prosperity. Furthermore, paragraph 19 advises the government is committed to ensuring the planning system does everything it can to support economic growth.
- 3.15 The proposed development will result in the creation direct and indirect employment opportunities during the construction phase which are much needed given the current difficult economic climate.
- 3.16 The new residents will also support the local economy once the site is built out and occupied.
- 3.17 It clearly identifies that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

#### **Promoting Sustainable Development**

- 3.18 In terms of promoting sustainable development the development proposes to redevelop an existing brownfield site and therefore helps Kirklees achieve its targets of delivering new homes on brownfield land.

#### **Delivering a Wide Choice of High Quality Homes**

- 3.19 Paragraph 47 of the NPPF clearly identifies that Local Authority's should seek to boost significantly the supply of housing. In terms of how planning applications should be dealt with, paragraph 49 advises:

---

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing.”

- 3.20 Kirklees cannot demonstrate a five year housing land supply therefore its policies that relate to the supply of housing cannot be considered up to date and the presumption in favour of sustainable development applies.

### **Requiring Good Design**

- 3.21 The NPPF at paragraph 56 sets out the government’s approach to design which advises that good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to make places better for people.

- 3.22 Paragraph 57 expands upon this and advises that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 58 advises that planning policies and decisions should aim to ensure that developments: -

- “Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- Optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses (including incorporation of green and other public spaces as part of developments) and support local facilities and transport networks;
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesions; and
- Are visually attractive as a result of good architecture and appropriate landscaping.”

- 3.23 Full details of the design will be provided at the reserved matters stage. The indicative layout sets out how a layout can be delivered to ensure all the design objectives can be met.

### **Protecting Green Belt Land**

- 3.24 The application site is located within the defined Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl.

- 3.25 The Green Belt serves the following five purposes;

- **To check the unrestricted sprawl of large built up areas.**

- 
- **To prevent neighbouring towns merging into one another;**
  - **To assist in safeguarding the countryside from encroachment;**
  - **To preserve the setting and special character of historic towns;**  
**and**
  - **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**
- 3.26 Paragraph 89 of the NPPF permits **‘the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt’.**
- 3.27 The proposed development seeks to redevelop the building at the front of the site and demolish the other buildings that have previously been in use for a variety of commercial uses for many years. Furthermore, the areas of storage and vehicle parking are removed and approximately two-thirds of the site will be given to housing with one third made returned to landscaping and open space. On the basis of the overall reduction in developed area and improvements to the character and appearance of the Green Belt the proposal would not have a greater impact on the openness of the Green Belt.
- 3.28 On that basis and with consideration of the housing shortfall in the area the proposals are considered to accord with the Green Belt policies in the NPPF.

#### **Meeting the Challenge of Climate Change, Flooding and Coastal Change**

- 3.29 The guidance suggests that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- 3.30 At paragraph 96 the NPPF advises that in determining planning applications Local Planning Authorities should expect new development to:
- Comply with adopted Local Plan Policies and local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
  - Take account of land form, layout, building orientation, massing and landscaping to minimise energy consumption.
- 3.31 With regard to flood risk, the NPPF requires development to be directed away from areas of the highest risk of flooding and also when determining planning applications, Local Planning Authorities should ensure flood risk is not increased elsewhere.
- 3.32 As detailed in the FRA submitted with the application the published flood zones are inaccurate and concludes that there are unlikely to be any flood risk issue in developing the site and that the development passes the sequential test. Flood mitigation and protection measures are proposed.

#### **Conserving and Enhancing the Natural Environment**

---

- 
- 3.33 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by: -
- “Protecting and enhancing valued landscapes, geological conservation interests and soil;
  - Recognising the wider benefits of ecosystem services;
  - Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the government’s commitments to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
  - Preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
  - Remediating and mitigating despoiled degraded, derelict, contaminated and unstable land where appropriate.”
- 3.34 With regard to ground conditions, there are no ground condition issues that would prevent the development of the site for residential.
- 3.35 The bat survey summarises that bats are not believed to be present. Bat roost opportunities are recommended to be incorporated into the new development.
- 3.36 By leaving approximately one third of the site undeveloped there are significant opportunities to enhance biodiversity at the site.

### **Decision Taking**

- 3.37 The approach of Local Authorities to decision taking including planning permissions is set out in paragraphs 186 and 187 of the NPPF.
- 3.38 Here paragraph 186 advises Local Planning Authorities to approach decision taking in a positive way to foster the delivery of sustainable development. The relationship between decision taking and plan making should be seamless, translating plans into high quality development on the ground.
- 3.39 Paragraph 187 goes on to say that Local Planning Authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible.
- 3.40 Local Planning Authorities should work proactively with applicants to ensure developments that improve the economic, social and environmental conditions of the area.
- 3.41 More importantly, when determining planning applications, paragraph 197 of the NPPF advises that in assessing and determining development proposals, Local Planning Authorities should apply the presumption in favour of sustainable development.
-

- 
- 3.42 As the proposal has been demonstrated to be sustainable through the submission documentation, it is concluded that in accordance with the NPPF, the presumption in favour of sustainable development should apply to these proposals.

**Compliance with the NPPF**

- 3.43 From the foregoing assessment of the proposed redevelopment of the site when compared against the policy guidance of the NPPF it is evident that the proposal is wholly consistent with this national guidance, represents sustainable development to which the presumption in favour applies and as such the application should be approved.

---

## 4.0 Local Planning Policy

- 4.1 The Kirklees Unitary Development Plan (“the UDP”) sets out the LPA’s policies and proposals for the use and development of land and buildings. The plan was originally adopted in March 1999 and policies were subsequently saved in 2007. The UDP was initially expected to cover the period up to April 2006. In accordance with the NPPF, given the date of the UDP and the fact that it was not adopted under the Planning and Compulsory Purchase Act 2004, it is considered only limited weight can be afforded to the policies within the document.
- 4.2 Policy BE1 sets out guidance on design and states all development should be of good quality design such that it contributes to a built environment which:
- Creates or retains a sense of local identity;
  - Is visually attractive;
  - Promotes safety, including crime prevention and reduction of hazards to highway users;
  - Promotes a healthy environment, including space and landscaping about buildings and avoidance of exposure to excessive noise or pollution; and
  - Is energy efficient in terms of building design and orientation and conducive to energy efficient modes of travel, in particular walking, cycling and use of public transport.
- 4.3 Policy BE2 also deals with design and states new development should be designed so that:
- It is in keeping with any surrounding development in respect of design, materials, scale, density, layout, building height or mass;
  - The topography of the site taken into account;
  - Satisfactory access to existing highways can be achieved; and
  - Existing and proposed landscape features are incorporated as an integral part of the proposal.
- 4.4 Policy T10 sets out highway considerations for new development and states schemes will not normally be permitted if it will create or materially add to highway safety or environmental problems or, in the case of development which will attract or generate a significant number of journeys, if it cannot be served adequately by the existing highway network and by public transport. Proposals will be expected to incorporate appropriate highway infrastructure designed to meet relevant safety standards and to complement the appearance of the development.
- 4.5 Policy T16 addresses pedestrian safety and states new development should make provision for safe, convenient and pleasant pedestrian routes, consistent with crime prevention measures outlined in Policy BE23 and with the aim of providing attractive links between homes, places of employment, community facilities and public transport. The line of existing public rights of way will be safeguarded either by integration into the overall scheme or by

---

diversion where an alternative route which maintains the character and function of the right of way is available.

4.6 Finally, Policy H18 sets out the requirements for public open space with residential developments and states sites of more than 0.4 hectares will normally be required to include measures within the site for the provision of public open space at a minimum rate of 30m<sup>2</sup> per dwelling. The precise location, nature and extent of this provision will be determined by reference to:

- The size of the site and number and type of dwellings proposed: and
- The physical characteristics of the site and the requirements for access and drainage.

#### **Other Material Considerations**

##### **Kirklees Core Strategy**

4.7 The Kirklees Core Strategy was withdrawn in October 2013, the council are currently in the process of preparing a new Local Plan.

---

## 5.0 Planning Assessment

### Principle of Development

- 5.1 This Chapter considers the principle of the Proposed Development and other policy requirements.
- 5.2 The UDP is 16 years old and was not adopted under the Planning and Compulsory Purchase Act 2004 therefore it is considered only limited weight can be afforded to the policies within the document. In addition Kirklees does not have the necessary five year housing land supply and significant weight should be given to this.
- 5.3 The NPPF is clear in instances where local policies are out of date planning permission should be granted, providing there are no adverse impacts of doing so. As set out in this statement, there are no adverse impacts associated with the proposed development.
- 5.4 The NPPF also promotes a presumption in favour of sustainable development and in this instance the development is on previously developed land, well located within the urban area of Oakenshaw, close to existing public transport links and amenity facilities and is therefore highly sustainable.
- 5.5 The site is a brownfield site in a sustainable location therefore the redevelopment of such a site should be supported.
- 5.6 The site is located within the Green Belt. As highlighted above, paragraph 89 of the NPPF supports the partial or complete redevelopment of a brownfield site in the Green Belt provided there is no greater impact on the openness of the Green Belt.
- 5.7 At present the whole of the site is developed with hardstanding across the whole site with permanent buildings, other buildings and structures and areas of parking, storage and outdoor activity throughout. The site is particularly untidy and unattractive and is not reflective of the largely residential or open character of the surrounding area.
- 5.8 The proposed development only seeks to develop around two thirds of the site and therefore would significantly reduce the impact on the Green Belt on the undeveloped third of the site. This part of the site would be landscaped and would benefit from biodiversity enhancements to further improve the character of this part of the site in addition to improving openness. The final landscaped area of the proposed development is 4679 sqm, well over half the site area.

- 
- 5.9 The building on the road frontage is retained but the large single storey structure to the rear is demolished therefore the impact on openness on this part of the site is improved.
- 5.10 The present buildings have a total volume of 2454 sqm. However, as previously highlighted, there are large areas of semi-permanent structures, areas of storage and areas where large vehicles awaiting repair are parked long term therefore the actual beneficial impacts on the openness of the Green Belt is significant. The proposed development indicates a total volume of around 9590 sqm. Whereas this is greater than the existing buildings, it is considered the overall impact on the openness of the Green Belt would still be significantly less than the current built form and extent of other development on the site when the provision of a large area of openness space is taken into account.
- 5.11 The fundamental aim of Green Belt policy is to prevent urban sprawl and the NPPF states the Green Belt serves the following five purposes;
- **To check the unrestricted sprawl of large built up areas.**
  - **To prevent neighbouring towns merging into one another;**
  - **To assist in safeguarding the countryside from encroachment;**
  - **To preserve the setting and special character of historic towns; and**
  - **To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.**
- 5.12 The proposed development accords with all these five purposes. The proposal is a relatively small development on a brownfield site with open countryside to the east therefore it does not contribute to urban sprawl, would not allow two areas to merge and would have only a beneficial impact on the open countryside due to the introduction of the open space adjacent to the countryside to the east. There will be no impact on the special character of historic towns and the land is already urbanised with a largely derelict appearance therefore its renewal accords with the aims of the NPPF.
- 5.13 It is also important to note that Kirklees intend to release a number of Green Belt sites in the emerging Local Plan to help it meet its housing land supply requirements therefore the redevelopment of a low sensitivity brownfield site in the Green Belt is considered to accord with the approach being taken.
- 5.14 Based on the foregoing, the principle of the proposed residential development is considered acceptable.

## **Layout**

- 5.15 The indicative scheme submitted as part of the planning submission demonstrates how development could be successfully accommodated on the site.

- 
- 5.16 Whilst not for approval as part of this outline application, the layout of the development is led by the position of the access point, existing building and culvert which are for approval as part of the current application.
  - 5.17 The indicative development provides 19 dwellings which it is envisaged will have a mix of bedrooms.
  - 5.18 In terms of the layout within the site although this is not for approval at this stage the indicative layout demonstrates the housing on this site could be accommodated with all of the houses having appropriate private gardens and parking.
  - 5.19 The indicative layout also includes areas of public open space that significantly exceeds the space sought by policy H18.
  - 5.20 Although not for approval at this stage the scheme demonstrates on the indicative plans that a suitable development is achievable in line with the NPPF and Policies BE1, BE2 and H18 of the Kirklees UDP.

## **Highways**

- 5.21 Full details on highway and access matters can be found in the supporting Transport Statement.
- 5.22 The swept path analysis and the visibility splays for the proposed development site have been considered against relevant guidance and taking both local circumstances and relevant guidance into account the proposed access is considered to be both appropriate and safe.
- 5.23 In summary it can be seen the Proposed Development will not have a detrimental impact on the local highway network. Overall, it can clearly be seen the Proposed Development is in accordance with the NPPF and Kirklees UDP Policies T10 and T16.

## **Sustainability**

- 5.24 As set out above, the proposed development reuses a brownfield site, is in a sustainable location, close to good public transport links, with pedestrian links to be maintained.
- 5.25 It is therefore considered the Proposed Development is in accordance with the overarching aims of the NPPF.

## **Flood Risk**

- 5.26 Full details on flood risk issues can be found in the supporting Flood Risk Assessment. In summary it has been shown that the proposed development can be designed and constructed with an adequate standard of flood

---

protection and without adverse impact on flood risk in the surrounding area.

- 5.27 Conditions can be applied to the outline application to cover full drainage details.
- 5.28 The Proposed Development is therefore considered to meet the requirements of the NPPF.

---

## **6.0 Conclusions**

- 6.1 In view of the foregoing, it is evident that the proposal constitutes sustainable development and is in accordance with the requirements of the National Planning Policy Framework and the Statutory Development Plan.
- 6.2 The proposed development will deliver much needed housing to the area at a time when Kirklees (or Bradford) cannot demonstrate a five year housing supply. The proposal would result in environmental and visual enhancements and as such planning permission should be granted.
- 6.3 In this context, the Local Planning Authority is respectfully requested to assess the proposals and to support them in accordance with the presumption in favour of sustainable development introduced by the National Planning Policy Framework.