
October 2019



Planning Policy Statement

**Full Planning Application for the Erection of
42 Residential Dwellings on Land south of Soureby Cross Way,
East Bierley, BD4 6PL**

On behalf of

Rouse Homes Ltd

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1. Introduction

- 1.1 This Planning Statement has been produced following instructions from Rouse Homes Ltd to support a full planning application for the development of 42 residential dwellings on Land south of Soureby Cross Way, East Bierley, BD4 6PL.
- 1.2 This Statement describes the application site, planning history and proposed development, before identifying and examining the policies, opportunities and constraints relevant to the application. In seeking to establish whether the proposals are acceptable, particular regard has been had to the statutory development plan, the National Planning Policy Framework and associated practice guidance provided by the online National Planning Policy Guidance.

The Application Submission

- 1.3 This full planning application submission is supported by a comprehensive package of plans and technical evidence documents including: -
- Planning Application Forms and Certificates;
 - Statutory Application Fee;
 - Site Location Plan;
 - Site Layout Plan;
 - Architectural Floor and Elevations Plans;
 - Design and Access Statement;
 - Transport Statement including Vehicle Tracking and Highways Improvements;
 - Planning Policy Statement;
 - Statement of Community Involvement;
 - Geo-Environmental Appraisal;
 - Flood Risk Assessment and Surface Water Strategy;
 - Preliminary Ecological Appraisal;
 - Landscaping Masterplan, and
 - Heritage Impact Assessment.

2. Site Description and Planning History

- 2.1 The site is unworked agricultural grazing land directly to the south of Soureby Cross Way. The site is broadly rectangular and runs to the south east of Hunsworth Lane and East Bierley Play Area. The gross site area is 1.81 hectares with a developable area of approximately 1.7 hectares.
- 2.2 Vehicular Access to the development is proposed from Soureby Cross Way, which will be subject to a scheme of improvement works as part of the development.
- 2.3 The area to be developed comprises a single agricultural field with no physical barriers within the site. The site is located in an area with residential properties to the north, north west and west, undeveloped land borders the site to the south.
- 2.4 The urban grain of the surrounding residential area is fairly linear along Hunsworth Lane with a more recent estate development forming Soureby Cross Way the majority of dwellings in the local area are detached and semi-detached, some terraced cottages are present in the area, this mix is reflected in the development.
- 2.5 The site lies wholly within Flood Zone 1. The site does not lie in the East Bierley Conservation Area, however it does run along Hunsworth Lane to the north west and there are no listed buildings in the immediate vicinity of the site.

Planning History and Site Allocation

- 2.6 There are no previous applications relevant to this proposal for the development of the site.
- 2.7 The site is allocated for residential development in the Kirklees Local Plan (adopted 27 February 2019). The site is allocated under reference HS89 (Land south west of, Soureby Cross Way, East Bierley) with an indicative capacity of 59 dwellings. It is expected that the site will be developed for residential use to meet the housing delivery requirement set by the Local Plan.
- 2.8 The developer has engaged in pre-application discussions with the Local Planning Authority where a scheme of 43 dwellings was proposed (enquiry reference 2018/20493). The applicant has taken into account the feedback provided and has made amendments to the scheme that is submitted, which seeks permission for 42 dwellings.

3. The Proposed Development

- 3.1 The application proposes the development of 42 dwellings with the number of affordable dwellings to be proposed. The proposal also incorporates a pedestrian link to the adjacent area of public open space which hosts a range of play equipment.
- 3.2 A single vehicular access point is proposed into the site from Soureby Cross Way. As part of the development an improvement scheme for Soureby Cross Way to the junction with Hunsworth Lane is proposed, full details are to be agreed with Kirklees Council Highways but is indicatively shown on the submitted site plan. The site is to be arranged adjacent to a central spine road that will run from Soureby Cross Way south westerly through the site, the eastern corner of the site will host dwellings accessed from a shared surface private driveway. As part of the development an access to the adjacent agricultural field will be retained.
- 3.3 A range of house types and sizes are proposed providing 2, 3, 4 and 5-bedroom homes of terraced, semi-detached and detached styles. The detailed plans show dwellings of a traditional style, reflecting existing residential development in the local area.
- 3.4 The proposed houses are of a suitable scale, height and mass within the context of the local built environment. Materials will be secured through the application process but is likely the development will be constructed in stone to reflect the local palette of materials.
- 3.5 As detailed above, the site is directly adjacent to an existing public open space area; as such, no formal open space is proposed within the development, however a pedestrian link to the adjacent open space is to be provided. A detailed landscaping scheme is submitted providing details of hard and soft landscaping and planting across the site.
- 3.6 A number of supporting technical assessments have been undertaken to assess the suitability of the site for residential development which are submitted with the application and detailed in Section 5 of this Statement.

4. Planning Policy Overview

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications must be made in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.2 Within Kirklees, the development plan comprises of the Kirklees Local Plan, adopted in February 2019, comprising the Local Plan Strategy Policy Document and the Allocations and Designations Document.

Statutory Development Plan Policies

- 4.3 The application site is identified as a housing allocation, reference HS89, in the Allocations and Designations Document. The site is noted as having an indicative capacity of 59 dwellings.
- 4.4 The most relevant policies from the adopted Local Plan are considered to be:
- 4.5 **Policy LP1: Presumption in favour of sustainable development** sets out the presumption in favour of sustainable development set out in the NPPF. Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.6 **Spatial Development Strategy** advises that policies and proposals in the local plan have been developed around a spatial development strategy. The delivery of a minimum of 31,140 new dwellings between 2013 and 2031 (1730 dwellings per annum) is achieved. The application site forms part of this growth.
- 4.7 **Policy LP3: Location of new development** sets out a list of locational criteria to support the delivery of housing and employment growth. The need to maintain a supply of specific deliverable sites and enabling the delivery of allocations set out in the local plan forms part of the policy.
- 4.8 **Policy LP7: Efficient and effective use of land and buildings** advises that developments should achieve a net density of at least 35 dwellings per hectare where appropriate. The proposal achieves a density of 25 dwellings per hectare however the site location at the edge of the settlement ensures the proposed density is considered to be acceptable in this context. Discussions over the density of development have been undertaken during pre-application discussions with the Council and the most efficient use of land has been achieved notwithstanding the site opportunities and constraints.
- 4.9 **Policy LP11: Housing mix and affordable housing** aims for sites of 0.4ha or more in size and of more than 10 dwellings to provide a broad mix of housing size and tenure. Developments of more than 10 dwellings should also provide 20% affordable housing subject to viability. The proposal provides a mix of dwellings with the 8 affordable units ensuring the scheme is policy compliant.
- 4.10 **Policy LP20: Sustainable travel** supports reducing the need to travel and using sustainable transport other than the private car. As an allocation it is confirmed that the site lies in a sustainable location.
- 4.11 **Policy LP21: Highway safety and access** advises that new development should demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be

permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of the development are not severe. The submitted Transport Statement confirms the proposal meets this policy.

- 4.12 **Policy LP22: Parking** sets out principles for parking. The Transport Assessment sets out the proposed parking provision, providing sufficient spaces for private cars and inclusion of 9 designated visitor bays.
- 4.13 **Policy LP24: Design** promotes good design through compliance with a range of design principles. The Design and Access Statement explains how the proposal meets these principles.
- 4.14 **Policy LP27: Flood risk** sets out the Council's policy for dealing with flood risk. The site lies within a Flood Zone 1. A Flood Risk Assessment has been undertaken to ensure the proposal does not increase the risk of flooding as a result of the proposed development.
- 4.15 **Policy LP28: Drainage** covers drainage with a presumption that Sustainable Drainage Systems will be used to assist in achieving acceptable drainage for new development. A Surface Water Drainage strategy is submitted within the Flood Risk Assessment.
- 4.16 **LP32: Landscape** sets out a number of landscape principles new development proposals should take into account. A Landscaping Masterplan is submitted with the application.
- 4.17 **LP33: Trees** advises that planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain valuable or important trees.
- 4.18 **LP35: Historic Environment** provides the Council's policy for proposals affecting designated heritage assets.

National Planning Policy

- 4.19 The National Planning Policy Framework ("NPPF") was revised in February 2019, replacing the first two iterations dated 2012 and 2018. The introduction to the document confirms it is a material consideration in the determination of planning applications.
- 4.20 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are:
- **An Economic objective** – to help build a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places at the right time to support growth, innovation and improved productivity and by identifying and coordinating the provision of infrastructure;
 - **A Social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment with accessible services and open spaces that reflect

current and future needs and support communities health, social and cultural well-being; and

- **An Environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment.

4.21 Paragraph 11 sets out the presumption in favour of sustainable development. In relation to decision taking this means:

“c) approving development proposals that accord with the development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁶; 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.”***

4.22 Section 5 covers housing and paragraph 59 advises that 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. The application site will help contribute towards the provision of much needed housing in the District.

4.23 The NPPF also considers design matters and states the Government attaches great importance to the design of the built environment (paragraph 124). In this context, developments should function well and add to the quality of an area, as well as optimising the potential of the site to accommodate development. Developments should also be visually attractive and create safe and accessible environments (paragraph 127).

4.24 Paragraph 155 of the NPPF confirms that development should be directed to areas with the lowest probability of flooding. The site lies within Flood Zone 1 and therefore accords with this aim. Flood risk on site has been assessed in detail and a drainage strategy produced which are both submitted with the application.

4.25 Section 15 relates to ecology and biodiversity considerations when determining planning applications. A Preliminary Ecological Appraisal has been undertaken and is submitted with the application.

4.26 Policy relating to the historic environment is set out in section 16 of the Framework. In determining planning applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. A Heritage Impact Assessment has been undertaken, which is submitted with the application. This is summarised within Section 5 below.

4.27 Paragraphs 39 to 46 relate to pre-application engagement and front loading the planning application process. The Government acknowledges that early engagement

has significant potential to improve the efficiency and effectiveness of the planning application for all parties. To that end, pre-application discussions have taken place with the Council prior to the submission of this application and public consultation has been undertaken for the proposed development. Full details of consultation undertaken can be found in the accompanying Statement of Community Involvement.

5. Planning Assessment

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to accord with the Statutory Development Plan and advises: -

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

- 5.2 As set out in the previous section, the statutory development plan comprises the recently adopted Local Plan Documents: the Strategy and Policies Document and the Allocations and Designations Document.

Principle of Development

- 5.3 The application site is identified as a housing allocation in the adopted Local Plan under reference HS89.
- 5.4 The principle of housing development on the site is therefore acceptable. Design and landscaping considerations are set out within the submitted Design and Access Statement, which confirm that the proposal meets requirements in this regard.

Technical Considerations

Heritage

- 5.5 The site allocation highlights that the site is close to a conservation area and a Heritage Impact Assessment is required as part of the submission.
- 5.6 The application is accompanied by a full Heritage Impact Assessment which addresses the potential impact of the development on the significance of the Conservation Area and nearby listed buildings.
- 5.7 The Heritage Impact Assessment concludes that there would be no impact on the setting of all identified listed buildings and structures within 500 metres of the application site. However, the proposed development has the potential to cause less than substantial harm to the significance of the Conservation Area as a result of change within its setting. The level of this harm is mitigated by the detailed design of the scheme and it is considered that the development would create public benefits which outweigh the level of harm identified in accordance with NPPF Paragraph 196.
- 5.8 Public benefits include the delivery of 42 dwellings on a site allocated for residential development, contributing towards the calculated five year housing supply. There would also be short-term employment opportunities during the development phase, as well as local socio-economic benefits throughout the lifetime of the development as a result of the introduction of new residents to the area.
- 5.9 For these reasons, the proposed development accords with local and national planning policy relating to conservation of our historic environment.

Affordable Housing

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- 5.10 Policy LP11 of the Local Plan requires developers of schemes of more than 10 new dwellings to provide 20% of the new dwellings as affordable homes where this is viable. The proposed layout details 8 affordable units are to be provided on site, the development proposed is therefore policy compliant.

Highways and Traffic

- 5.11 A Full Transport Statement has been submitted in support of the application. As part of pre-application discussions held with Kirklees Council, the proposed use of Soureby Crossway as the single vehicular access was presented to Kirklees Highway Department. It was confirmed that a scheme for the improvement and widening of Soureby Crossway would be required to ensure the development impacts would be lessened. Soureby Crossway will be widened to provide a carriageway generally 5.5m in width whilst retaining a short length of road at between 3.8m and 4.8m in width as a traffic calming feature.
- 5.12 The Transport Statement concludes that although visibility to the right as vehicles exit Soureby Crossway is substandard, a review of the local accident data and the regular occurrence of parked cars on the eastern side of Hunsworth Lane ensures that 'the junction in its current form is suitable to serve the proposed development'.
- 5.13 Finally, the levels of additional traffic predicted would be indiscernible over and above the usual daily fluctuations in traffic flow on the local highway network.

Ecology

- 5.14 A Preliminary Ecological Appraisal has been submitted to support the application. The assessment concludes that the development is unlikely to lead to an unacceptable impact upon protected species.
- 5.15 The appraisal considers that the trees to the northern boundary off site could provide a linear feature for commuting bats, as such it is recommended that a scheme for sensitive lighting to the northern boundary is agreed by Kirklees Council to ensure this commuting network is not adversely impacted.
- 5.16 The Appraisal found evidence of some Invasive Non-native Species on and near to the site. It is therefore recommended that all Japanese Knotweed is appropriately treated with herbicide to eradicate the plant and prevent any additional issues at a later date.

Trees

- 5.17 The site itself does not host any trees onsite given the previous agricultural nature of the field.
- 5.18 There are trees off site along the northern boundary, the development is not likely to impact upon these trees given the proposed layout.

Flood Risk and Drainage

- 5.19 A Flood Risk Assessment has been prepared by ID Civils Design. The assessment confirms the site lies within Flood Zone 1 and as such flood mitigation measures are not required.

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- 5.20 In respect of foul drainage, Yorkshire Water has confirmed that foul water flows from the development can be discharged to the combined sewer network in Hunsworth Lane. The site can be designed to connect to this point via a gravity system along the access track to the south of the site. The applicant has the necessary permissions to use this track for the foul sewer outfall.
- 5.21 Sustainable Drainage Systems of infiltration techniques are considered to be unsuitable on this particular site. Surface water is therefore proposed to discharge to the nearest watercourse which is culverted and within Hunsworth Lane.
- 5.22 The proposed surface water drainage system shall be designed for an allowance of 30% for climate change and restricted to an agreed discharge rate of 5 ltr/sec with the appropriate attenuation incorporated into the design. A detailed design and supporting calculations will be submitted to the LPA for approval prior to construction on site.
- 5.23 No special mitigation measures are required for emergency egress during times of flood.
- 5.24 Overall the assessment concludes the proposed development can satisfy the requirements of the NPPF and the Planning Practice Guidance in relation to flood risk.

Ground Stability and Mining

- 5.25 A Geo-environmental Appraisal has been carried out by Lithos covering ground stability, potential contamination and mining risk. The report confirms that a remediation strategy is not necessary given the absence of any significant contamination.
- 5.26 Evidence of shallow mineworkings were identified in the north east as well as desk study information suggesting working existing in the immediate north of the site to be consolidated by drilling and grouting, additional drilling is recommended to check for the presence of any further workings to the south.
- 5.27 No other ground stability or contamination issues are likely to affect the development on site.

Conclusions

- 5.28 A range of supporting technical assessments has been undertaken and are submitted with the application. The assessments conclude that there are no technical reasons that would prevent the development of the site for residential use that could not be overcome by appropriately worded conditions.
- 5.29 The allocation of the site in the adopted Local Plan confirms that the principle of residential development is acceptable. No other harm will result from the proposal, as demonstrated within the submitted documents.
- 5.30 In accordance with paragraph 11 of the Framework, there are no adverse impacts from the proposed development that would significantly and demonstrably outweigh the benefits of delivering new housing on the site to allow the contribute to Kirklees Council meeting their requisite 5 year supply of housing delivery.

6.0 Conclusions

- 6.1 This Planning Statement has been prepared on behalf of Rouse Homes to support a full planning application for the residential development of 42 residential dwellings on land at Merchants Field, off Hunsworth Lane, Cleckheaton.
- 6.2 The planning application is made having due regard to central government's requirement to significantly enhance housing land supply. The site is allocated for residential development in the Kirklees Local Plan (adopted 27 February 2019). The site is allocated under reference HS89 (Land south west of, Soureby Cross Way, East Bierley) with an indicative capacity of 59 dwellings. It is expected that the site will be developed for residential use to meet the housing delivery requirement set by the Local Plan.
- 6.3 Site requirements of the allocation are met through the proposed scheme. No other harm will accrue, as demonstrated by the technical assessment works that have been undertaken, that cannot be addressed through the use of an appropriately worded condition. There are no constraints that would prevent development of the site for residential use.
- 6.4 In view of the above, it is considered the scheme satisfies both national and local planning policy and represents a suitable development proposal for the site that addresses all the relevant and material considerations. The development clearly constitutes sustainable development as defined by the NPPF and thus satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.5 The development of the site is viable, deliverable and there are no technical constraints to advancing residential development on this site. In this regard, we would invite the local Planning Authority to assess this application and to grant full planning permission for the proposed residential development without delay.