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Residential and Commercial Planning : Planning Applications, Appeals and Enforcement

PLANNING STATEMENT

OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LAND OFF CUMBERWORTH LANE, DENBY DALE

NOVEMBER 2019

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1. INTRODUCTION

- 1.1 This statement is submitted in support of an outline planning application within the statutory period for the residential development of land off Cumberworth Lane, Denby Dale.
- 1.2 The purpose of this statement is to provide an evaluation of the site and its surroundings, together with a review of the relevant local and national planning policies associated with the proposal, before presenting a case in support of the application, taking into account all material planning considerations.

2. THE SITE AND PLANNING BACKGROUND

- 2.1 The site is located in the village of Denby Dale, approximately 11km south east of Huddersfield Town Centre, 16km south west of Wakefield City Centre and approximately 11km to the west of Barnsley Town centre.
- 2.2 The site is predominantly rectangular in shape and is greenfield land covering an area of around 0.5 hectares. To the north of the site is farmland, to the south, east and west are residential properties. Also to the west is the existing access onto Cumberworth Lane, which is located in between Nos 5 and 6.
- 2.3 The access is currently an informal drive, running east to west from Cumberworth Lane and currently serves up to 3 properties.

- 2.4 Levels on the site fluctuate, with a general decline from north to south and at the eastern end of the site levels fall considerably to the rear boundaries of existing houses on Wakefield Road.
- 2.5 A pre-application enquiry was lodged with the LPA in October 2017 and an indicative layout submitted with the enquiry showed the potential for 6 houses.
- 2.6 Following a meeting with the LPA, a response was received on 10 November 2017, which can be summarised as follows:
- The benefits of housing provision are likely to weigh in favour of the proposal and the adverse impacts of the loss of this green field and POL site are not likely to outweigh the benefits of developing the site;
 - Highway concerns with the layout as drafted;
 - Layout does not meet the minimum distance standards for space between dwellings;
 - Proposals should provide biodiversity gain. An ecology assessment will be required as part of a planning application;
 - The mature sycamore tree centrally located within the site should be retained. A tree assessment and report will be needed as part of a planning application;
 - A contribution will be required towards public open space provision;
 - A coal mining risk assessment will be required.
- 2.7 An application was subsequently submitted – in outline – with all matters reserved, although an indicative layout plan showed the potential layout of four detached houses all with reasonably large gardens.

- 2.8 Following the failure of the LPA to make a decision on the application a non-determination appeal was lodged and in its case against the development, the LPA identified the reasons why it would have refused planning permission as being the failure to follow a masterplan approach to the development, the inefficient use of the land and poor design.
- 2.9 In determining the appeal, the inspector found no fault in terms of not adopting a masterplan approach, did not raise any issues with the suitability of the access onto Cumberworth Lane but considered the indicative proposal for 4 units was an inefficient use of the site and recommended a development in the region of 10 units.

3. THE APPLICATION

- 3.1 The application is again submitted in outline with all matters reserved. An indicative layout plan (drawing 19-130-10) shows a potential development 10 residential units, in line with the appeal inspector's recommendations, in a semi-detached format with the layout again taking account of the varying levels within the site.

4. PLANNING POLICY FRAMEWORK

Local Planning Policy

- 4.1 The statutory development plan consists of the Kirklees Local Plan which was adopted on 27 February 2019. The site forms part of a wider housing allocation in the Local Plan.
- 4.2 Policy LP1 advises of a positive approach when considering development proposals that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.
- 4.3 Policy LP5 refers to master planning of sites and that all masterplans should involve all the relevant stakeholders, including the council, landowners, developers, the local community, service providers and other interested parties. The policy advises that all masterplans should be developed in consultation with the council prior to the submission of a planning application.
- 4.4 Policy LP7 advises that housing density should ensure the efficient use of land, in keeping with the character of the area and developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- 4.5 Policy LP11 says that all proposals for housing 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 goes on to say that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling

they provide, taking into account the latest evidence of the need for different types of housing. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure.

- 4.6 Policy LP21 advises that proposals 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 development are not severe.
- 4.7 Policy LP21 sets out various criteria to be satisfied with all development proposals, as follows:
- a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;
 - b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;
 - c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;
 - d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;

- e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;
 - f. take into account access for emergency, service and refuse collection vehicles;
 - g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.
- 4.8 Policy LP30 says that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, with development proposals required to result in no significant loss or harm to biodiversity.
- 4.9 Policy LP33 advises that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain any valuable or important trees where they make a contribution to public amenity.
- 4.10 Policy LP53 requires that development on land that is suspected of being contaminated due to its previous history or geology, will require the submission of an appropriate contamination assessment.
- 4.11 Policy LP63 advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal.
- 4.12 Policy LP65 of the Local Plan Allocations and Designations Document lists the housing allocations for the district. The policy advises that planning permission will be expected to be granted if proposals accord with the development principles set

out in the relevant site boxes and relevant development plan policies. The allocation information is set out at Appendix 3.

National Policy

- 4.13 The revised National Planning Policy Framework ("NPPF") was published in July 2018, alongside updated supporting Planning Practice Guidance. A revision to the Framework was published in February 2019. This contains a number of minor revisions to the July version.
- 4.14 The Government has made clear its expectation, through the Framework, that the planning system should positively embrace well-conceived development to deliver the economic growth necessary and the housing we need to create inclusive and mixed communities. With regard to decision-taking, Paragraph 11 confirms this means approving development proposals that accord with the development plan 'without delay'. Where the development plan is absent, silent or out-of-date, planning permission should be granted, provided the impacts do not significantly and demonstrably outweigh the benefits.
- 4.15 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, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.

- 4.16 Paragraph 73 says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing.
- 4.17 Paragraph 109 advises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 4.18 Paragraph 124 advises that good design is a key aspect of sustainable development, creating better places in which to live and work and helping to make development acceptable to communities.

5. CASE IN SUPPORT OF THE APPEAL

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 47 of the Framework makes a similar statement.
- 5.2 The site forms part of a wider housing allocation, being 0.47 hectares whereas the overall allocation is 3.24 hectares (so 14% of the allocation as a whole).
- 5.3 The remaining larger section of the allocation is under separate ownership to the applicants and is physically distinct from the application site via boundary walls and fences.

- 5.4 The commentary to the Policy HS144 allocation advises that the constraints to the development of the site involve - the need for third party land to achieve sufficient visibility splays; the provision of a pedestrian footway across the site frontage at Leak Hall Lane; a public right of way crossing the site; proximity of listed buildings and archaeological site; the site being within a Coal Referral Area.
- 5.5 The access proposals do not require any third party land. Access will be taken from the existing lane leading from Cumberworth Lane which currently serves three properties. Visibility splays of 2.4m x 43m (northbound) and 2.4m x 34m (southbound) have been requested by the Council's highway department and these are shown on the application proposals (drawing no 1242-01). This does not involve any third party land for any improvements above the existing situation.
- 5.6 Leak Hall Lane is significantly further to the north of the site and is not affected by the proposals. There is no public right of way within the site and there are no listed buildings in close proximity that would have any impact on their setting. The Council has not advised of any archaeological interest in the site.
- 5.7 With regard to the coal referral area, this is addressed in the Phase 1 Contamination Report.
- 5.8 The proposal therefore accords with Policy LP65 of the Allocations and Designations Plan in so far as it accords with the development principles set out in the relevant site boxes. It also satisfies Policy LP53 of the Local Plan.

- 5.9 The LPA's concerns with the previous application was the absence of a masterplan approach. The appeal inspector has shared the applicant's view that this is not a requirement for the application in this case.
- 5.10 The inspector also had no concerns with highway safety or residential amenity impact either on existing properties or potential future properties.
- 5.11 The only issue that precluded the appeal being allowed was the density level of the proposed development with the inspector considering that 10 units should be developed given the size of the site and the council's requirements for density per hectare.
- 5.12 This revised application produces a layout for 10 units. One of the consequences of this higher density development is that it would necessitate the removal of some trees previously proposed to be retained. However these trees have been identified as Category C specimens and they are also not protected. Landscaping as part of reserved matters could adequately address any tree loss.
- 5.13 There were no other issues identified by the inspector that could not be addressed via conditions.

6. CONCLUSION

- 6.1 Having regard to the allocation of the site in the Local Plan there are no evident restrictions to development which would constitute adverse impacts. In terms of benefits these are numerous as follows:

- The development will deliver new housing in the area;
- There would be economic benefits associated with the development, in terms of direct and indirect jobs during the construction period, spending within the construction industry supply chain and spending by future residents in local shops, as well as benefits from council tax payments and the New Homes Bonus;
- There would be environmental benefits relating to the sustainable location, the proximity of the services and the resulting options for travel other than the private motor vehicle;
- There would be social benefits from the provision of new housing and financial contributions as part of the development;

6.2 Given the location of the site, the proposals in this application can be considered to be acceptable in principle having regard to the NPPF and the Local Plan.

6.3 Therefore having regard to the contents of this statement and associated reports it is considered that this site is suitable for development and would assist with meeting the housing requirements of the Council. The development would amount to sustainable development, supported by the NPPF.

6.4 We would therefore request, on behalf of the applicant, that outline planning permission is granted.