



## PLANNING SUPPORT STATEMENT

DETAILED APPLICATION FOR THE RESIDENTIAL DEVELOPMENT  
OF 5NO DWELLINGS FOLLOWING DEMOLITION OF  
EXISTING DERELICT STRUCTURES

LAND OFF CEMETERY ROAD  
(FORMERLY FOREST HALL),  
HECKMONDWIKE

COOKRIDGE HOMES LTD

OCTOBER 2022

## **CONTENTS**

- 1.0 INTRODUCTION
  
- 2.0 THE SITE, PLANNING HISTORY AND THE PROPOSAL
  - 2.1 The Site
  - 2.2 Planning History
  - 2.3 The Proposal
  
- 3.0 PLANNING POLICY
  - 3.1 Central Government Guidance
    - 3.1.1 The National Planning Policy Framework
  - 3.2 Local Planning Policy
    - 3.2.1 Local Plan
  - 3.3 Other Material Considerations
    - 3.3.1 Housebuilders Design Guide SPD
  
- 4.0 THE ISSUES - THE DEVELOPMENT PLAN & OTHER MATERIAL CONSIDERATIONS
  - 4.1 The Development Plan
  - 4.2 Other Material Considerations
    - 4.2.1 Residential Development
    - 4.2.2 Residential Amenity
    - 4.2.3 Planning History
    - 4.2.4 Design
    - 4.2.5 Highways and Access
    - 4.2.6 Heritage
    - 4.2.7 Trees
    - 4.2.8 Drainage
    - 4.2.9 Ecology
    - 4.2.10 Ground Conditions
  
- 5.0 CONCLUSION

## 1.0 INTRODUCTION

The proposal which forms the subject of this application for detailed planning permission is for the residential development of 5no dwellings including demolition of existing derelict structures, on land off Cemetery Road, Heckmondwike.

It will be noted that the site had previous planning permission in 2011 when an appeal was upheld for a scheme constituting 11no dwellings and refurbishment of the existing house (Appeal Ref APP/Z4718/A/10/2136848, Application No 2010/91444). This submission follows pre-application discussions and a meeting with the Council's Planning Officer, Louise Bearcroft, when the form, nature of the proposals was discussed including the planning history and accessing the site.

The following supporting documents/information are submitted with the application:-

- (i) Full plans and details – STEN Architecture;
- (ii) Planning Support Statement – Townsend Planning Consultants;
- (iii) Statement of Significance – Townsend Planning Consultants;
- (iv) Design and Access Statement – Townsend Planning Consultants;
- (v) Arboricultural Assessment – Tree Care Consultancy;
- (vi) Transport Statement – Andrew Moseley Associates;
- (vii) Phase 1 Contamination Report – ARP Associates;
- (viii) Coal Mining Risk Assessment – ARP Associates;
- (ix) Drainage Assessment – EWE Associates; and
- (x) Ecological Impact Assessment – Middleton Bell Ecology.

It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal accords with national and local planning policy and, when judged against this and all material considerations, it is clearly the case that planning permission should be forthcoming.

This statement now proceeds to provide details of the application site, proposal and background including the planning history. Relevant Planning Policy and Central Government advice in the form of the National Planning Policy Framework is then outlined. The issues that the proposal raises are then examined and finally the conclusion is reached that planning permission should be granted for the proposal to proceed. A

Statement of Significance and a Design and Access Statement are also provided, which should be read in conjunction with the statement.

Whilst it is considered that the submitted scheme and supporting documents clearly demonstrates that the proposal can be undertaken without giving rise to issues of harm, the applicant remains willing to discuss all aspects of the proposal with the planning authority and will submit any further information as required.

## **2.0 THE SITE, PLANNING HISTORY AND THE PROPOSAL**

### **2.1 The Site**

The subject site is located off Cemetery Road, within the town of Heckmondwike. The site contains a derelict dwellinghouse, originally known as Forest Hall, with dilapidated outbuildings and extensive garden areas. The site is heavily treed and is subject to a Tree Preservation Order.

The house has been empty for many years and has been regularly subject to antisocial behaviour. It has been vandalised including arson attacks and fly tipped within the grounds. Very little of the house now remains. The applicant purchased the site in 2019 and whilst their best endeavours have been to ensure the antisocial activities do not occur, without a permanent residential dwelling on site, this is impossible despite security measures being put in place.

The site adjoins Heckmondwike Cemetery to the west and north of the site. To the east are allotments. To the south are residential properties along Cemetery Road and Longfield Road.

The site is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The site is within a 10 minutes walk of Heckmondwike Town Centre. The nearest bus stop to the site is located along Cemetery Road, with further stops in the nearby town centre providing links to Wakefield, Leeds and Bradford, amongst other locations.

Prior to the submission of the application the applicant has had feedback regarding the proposals from local residents who have raised concerns about both the current state of the site and the antisocial activities that it attracts. Residents are concerned with the current state of Cemetery Road which forms unadopted highway. Residents have given positive feedback to the suitable reuse of the site for small residential development which will include improvements to the unadopted access road.

In summary the application site forms a derelict site which also attracts antisocial behaviour and in its current condition is to the detriment of the amenity of the nearby residents. The application site forms an underutilised urban resource and can

usefully add to the housing land supply. Bringing back the site into full beneficial use will be to the benefit of the amenity of the area, as well as any enhancements to the surfacing of the highway, benefiting existing residents along Cemetery Road.

## 2.2 Planning History

Planning permission was previously granted on appeal for 11no dwellings and refurbishment of the existing house in 2011 (Appeal Ref APP/Z4718/A/10/2136848, App no 2010/91444). It should be noted that at that stage the dwelling was still serviceable prior to the more recent arson attack and damage to the house as a result of ongoing vandalism.

From examination of the appeal decision, the Inspector essentially considered two main issues;

- (i) The status of the garden land and density of the proposals; and
- (ii) Financial contributions to the Council for off-site recreational facilities.

It is considered that the appeal decision clearly establishes the principle of the residential development of the site. Since that time it is considered that there have been no changes in policy which would lead to any other conclusion.

Prior to the submission of the application formal pre-application discussions and a meeting was held with the Council's Planning Officer, Louise Bearcroft. Pre-application discussions focused on an alternate scheme for 23 dwellings. However due to the applicant not being able to secure 3<sup>rd</sup> party land for an alternative access that scheme did not proceed.

The applicant's highways consultant Andrew Moseley Associates have also held informal discussions with the Council's Highways Officer. It is understood that positive discussions were held on the basis of a proposal for 5no dwellings utilising the existing access incorporating improvements to the surfacing.

## 2.3 The Proposal

The subject scheme put forward is considered appropriate for the area and has been designed in the context of the constraints including:-

- (i) The proposals have been limited to 5no dwellings as required by the Council's highways officer;
- (ii) In respect of the layout this has been dictated by the constraints and the need to retain protected trees; and
- (iii) The site lies in the proximity of Heckmondwike Cemetery, of which both the Heckmondwike Cemetery Chapels and the Gates and Gate piers to the cemetery entrance are Grade II Listed. Therefore any proposal must be considered in the context of the impact on the setting of the heritage assets, that requirement has informed the design process.

The proposals should be considered in the context of the planning history in which 11 dwellings were approved at the site (ref Appeal Ref APP/Z4718/A/10/2136848, App no 2010/91444) in which Heritage did not form a reason for refusal. A Statement of Significance has been submitted which addresses these issues in detail. It is considered that in the sites current condition both visually and in terms of activity at the site, is significantly detrimental to the setting of the listed building and structures.

This submission fully demonstrates that the proposal as submitted wholly conforms with national and local policy and does not give rise to any issues of harm. The proposals provide significant benefits by the reuse of the site by removal of dilapidated buildings and removal of the opportunity for antisocial activities, as well as an improvement to the access and improvement to the setting of Listed Buildings and structures. As such, it is anticipated that planning permission should be forthcoming. Nevertheless, the applicants are willing to discuss all aspects of the details of the proposal with the Council.

### 3.0 PLANNING POLICY

By virtue of Section 38 (6) of the Planning and Compulsory Purchase Act 2004, the planning authority must determine the planning application in accordance with the statutory development plan (insofar as it is material to the application), unless material considerations indicate otherwise. The NPPF also advises of a presumption in favour of development which accords with the development plan. The importance of the statutory development plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the plan and government guidance.

#### 3.1 Central Government Policy Advice

##### 3.1.1 The National Planning Policy Framework

The latest version of the NPPF is dated July 2021 and the following section has been made in relation to the revised document.

Para 2 of the advice states:-

***“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”***

At Para 8 the advice sets out three overarching objectives for achieving sustainable development, are as follows:-

- “a) an economic objective – to help build a strong, responsive and competitive economy,....***
- b) a social objective – to support strong, vibrant and healthy communities....***
- c) an environmental objective – to contribution to protecting and enhancing our natural built and historic environment; including making efficient use of land...”***

The proposal meets with these requirements in providing much needed housing in a highly sustainable location (social) without harm to the built environment and employment in terms of those employed to build the houses (economic).

Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

Para 11 of the Framework identifies how the presumption in favour of sustainable development is to be applied in making decisions:-

***“For decision-taking this means:***

***c) approving development proposals that accord with an up-to-date development plan without delay;”***

It is considered that the proposal complies with the Development Plan as set out in this submission.

At Para 38 with regard to decision making, it states:

***“Local Planning Authorities should approach decisions on proposed development in a positive and creative way... and work proactively with applicants to secure developments that will improve economic, social and environmental conditions in the area. Decision makers at every level should seek to approve applications for sustainable development where possible.”***

In relation determining applications para 47 sets out that:-

***“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”***

In relation to delivering a sufficient supply of homes para 60 reiterates the Government’s objective of significantly boosting the supply of homes. It stresses the importance of a sufficient amount and variety of land can come forward where it is needed.

Para 126 stresses the Government's commitment to achieving good design, high quality buildings and places.

Paragraph 130 sets out planning policies and decisions should:-

- “a) 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;***
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;***
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);***
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;***
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and***
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”***

Section 16 relates to the conserving and enhance of the historic environment. The application is in proximity to a Listed Building and listed structure, defined heritage assets.

Paragraph 189 sets out that:-

***“Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable***

***resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.”***

Paragraph 194 sets out:-

***“In determining 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.”***

Para 206 sets out that:-

***“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”***

The proposals constitute sustainable development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform to the advice in the NPPF and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

## **3.2 Local Planning Policy**

### **3.1.2 Kirklees Local Plan**

The Development Plan for the Kirklees District is the Kirklees Local Plan (2019). The site on the supporting proposals map is identified as white land and is therefore unallocated for a specific purpose in Development Plan.

The following policies are considered relevant to the consideration of this application:-

#### **(i) Policy LP3 – Location of new development**

The policy sets out the Council's approach to development in the district. It is including development providing new homes and for the delivery of housing in a sustainable way. The policy complies (where relevant) to the criteria of the policy.

(ii) Policy LP7 – Efficient and effective use of land and buildings

The policy sets out in relation to proposals that to ensure the best use of land and buildings should ensure:-

- “a. should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;*
- b. should encourage the reuse or adaptation of vacant or underused properties;*
- c. should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;*
- d. will allow for access to adjoining undeveloped land so it may subsequently be developed.”*

In relation to the policy:-

- a. The site is a previously developed site which contains a now derelict house within a sustainable location with no environmental designations covering the site;
- b. The proposals will reuse the site of a derelict house;
- c. The site is previously developed derelict site and a Phase 1 Geoenvironmental Report supports the application, the proposals will ensure that these issues are rectified;
- d. Whilst the proposals do not seek to develop all the land, highways constraints has restricted the level of development on the site to 5no dwellings.

The policy then goes on to discuss housing density to ensure efficient use of the land and to ensure it is in keeping with the character of the area. The policy sets out that:-

- “a. developments should achieve a net density of at least 35 dwellings per hectare, where appropriate;*
- b. higher densities will be sought in principal town centres and in areas close to public transport interchanges;*
- c. lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs;*
- d. more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate.”*

In this instance owing to the constraints of the site including trees and access the scheme is limited to the number set forward in this application.

(iii) Policy LP11 – Housing Mix and Affordable Housing

The policy requires affordable housing on sites of more than 10 homes or 0.4ha, the proposals do not exceed these thresholds.

Indeed the mix of the proposals has been dictated by work undertaken by a Chartered Surveyors who noted an abundance of smaller houses and a demand and a lack of supply for larger 4 and 5 bed houses within Heckmondwike. As well as the access constraints which have limited the proposed number of dwellings to 5.

(iv) Policy LP20 – Sustainable Travel

The policy supports the location of development so the need to travel is reduced and the use of alternative sustainable transport can be utilised. The site is located within a sustainable location within walking distance of Heckmondwike town centre, schools, services and also close to transport links to not just the local area but the wider region such as Leeds, Bradford and Wakefield.

(v) Policy PL21 – Highways and access

The policy requires applicants to demonstrate they can accommodate sustainable modes of transport and be accessed effectively and safely by all users and that safe and suitable access can be achieved. In addition the policy requires:-

- “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.”*

The proposals make provision for the above within the development and is accompanied by a Transport Statement.

(vi) Policy LP22 – Parking

The policy forms the Council's guide for all development within the district. The proposals will provide parking in line with the Council's requirements and the site benefits from good access to public transport.

(vii) Policy LP24 – Design

The policy supports good design as part of all development proposals. The policy provides a checklist for development proposals with which the development proposals have drawn up in the context of. The proposals do not conflict with the requirements of this policy.

(viii) Policy LP28 – Drainage

The policy sets out the presumption in favour of SuDS. The matters of drainage are set out in the supporting drainage report.

(ix) Policy LP30 – Biodiversity & Geodiversity

The policy is the general policy relating to the topic. The application site is not identified as a site of importance (local or national) and the proposals are supported by an Ecological Appraisal and Bat Report.

(x) Policy LP32 – Landscape

The policy seeks for proposals to enhance the landscape character of the area. In relation to the site there is some tree loss as part of the proposals but this will be replaced in quality and quantity as part of the development proposals.

(xi) Policy LP33 – Trees

The Council's policy seeks to retain valuable or important trees and that tree protection measures are provide. Where tree loss is acceptable it requires the submission of a detailed mitigation scheme.

The proposals will result in the loss of trees however a tree report has been submitted with the application to justify their loss and replacement in quantity and quality.

(xii) Policy LP34 – Conserving and enhancing the water environment

The policy seeks to conserve and enhance the water environment including water bodies, groundwater, manage water demand and improve water efficiency, use of SuDS and disposal of surface water.

(xiii) Policy LP35 – Historic Environment

The policy provides the Council's general approach to the historic environment. The proposals do not involve a defined heritage asset and the proposals have been designed to ensure the protection of nearby heritage assets.

(xiv) Policy LP53 – Contaminated and unstable land

The requires the submission of contamination reports where contamination may be suspected due to a sites previous use. The proposals provide a Phase 1 Geoenvironmental Report as part of the proposals. A mining report is also submitted.

It is therefore considered that the proposal conforms to the above policy.

### **3.3 Other Material Considerations**

#### **3.3.1 Housebuilders Design Guide SPD**

The document forms the Council guidance in relation to housing developments and provides further guidance in relation to policy guidance in the Local Plan. The document adopted by the Council in June 2021. The document is not a development plan document as it has not been examined by an independent Local Plan Inspector.

The development proposals have been formulated in the context of the guidance where appropriate including site layout, architectural details and housing design. A Design and Access Statement supports the proposals.

## **4.0 THE ISSUES**

### **4.1 The Development Plan**

It is demonstrated in the section above that the proposal conforms with Development Plan policy. It is, therefore, considered that the applicant is entitled to the presumption inherent in Section 38 (6) to be weighed in their favour.

It now falls for the matter to be considered in the light of all material considerations.

### **4.2 Other Material Considerations**

The following are issues which it is considered are material considerations in respect of the determination of this application.

#### **4.2.1 Residential Development**

It is considered that this site forms a redundant sustainable urban resource which can provide a useful addition to the provision of residential development in a sustainable location and bringing the site back into beneficial use. The use of the site for residential development would be wholly appropriate.

The proposals put forward have partially been restricted due to the constraints of the site (access and trees). Advice has been provided by a Chartered Surveyor which highlights a lack of larger 4/5 bed homes in Heckmondwike with a strong demand from the community for such homes.

The principal of the residential development of the site was established through the Appeal Decision in 2011 (ref Appeal Ref APP/Z4718/A/10/2136848, App no 2010/91444).

#### **4.2.2 Residential Amenity**

The scheme as shown meets space about building standards in terms of both the proposed housing and existing properties around.

#### **4.2.3 Planning History**

The principal of the residential development of the site was established through the Appeal Decision in 2011 (ref Appeal Ref APP/Z4718/A/10/2136848, App no 2010/91444). Whilst the proposals are a reduction in that approved it is considered that there is no change in planning policy which would lead to any other conclusion than the grant of planning permission in this case.

#### 4.2.4 Design

The detailed design proposals have been drawn up by STEN Architecture and has been designed in the context of the constraints on site. A Design and Access Statement is submitted with the application.

#### 4.2.5 Highways and Access

Access to the site is from the well established unadopted highway which serves the site and the former derelict dwelling on site, Forrest Hall as well as neighbouring properties along the road. As part of the proposal the applicant is proposing to surface the unadopted part of Forrest Hall to the benefit of all residential properties along this section of Cemetery Road, which has been discussed by the AMA associates and the Council's highways department. A Highways Statement setting out the suitability of the proposals is submitted with the application.

#### 4.2.6 Heritage

It is acknowledged that the site lies in proximity of Heckmondwike Cemetery, of which both the Heckmondwike Cemetery Chapels and the Gates and Gatepiers to the cemetery entrance are Grade II Listed. The current site is considered to be wholly detrimental and negatively impacts the on the setting of the Listed Buildings and structures.

A detailed statement of significance is provided which concludes that the proposal will be of benefit to the setting of the Listed Building.

#### 4.2.7 Trees

The site has a number of mature trees on site which are subject to a Tree Preservation Order. The application is supported by a Tree Report by the Tree Care Consultancy which fully addressed the issue of trees.

#### 4.2.8 Drainage

A drainage report supports the application by EWE Associates, the proposals show a suitable drainage solution for the site can be achieved.

#### 4.2.9 Ecology

An Ecological Impact Assessment has been produced by Middleton Bell which supports the Planning Application. The report includes a desktop study including an emergence survey and walkover survey. Its recommendations can no doubt be dealt with via a planning condition.

#### 4.2.10 Ground Conditions

Both a Stage 1 Geo-Environmental Desk Study Report and a Coal Mining Risk Assessment supports the application by ARP Associates, the recommendations can no doubt be dealt with via planning condition.

## 5.0 CONCLUSION

This application seeks detailed planning permission for the development of 5no houses following demolition of existing structures. The also scheme also includes improvements to existing unadopted road. The current condition of the site and access is wholly detrimental and the redevelopment of the site for residential purposes will be of benefit to the immediate area. The proposal will provide much needed housing within a sustainable location. It also provides a housing type lacking in the area. The highways improvements will benefit the existing residents.

The principal of the residential development of the site was established in 2011 when consent was granted for 11 houses at the site (ref Appeal Ref APP/Z4718/A/10/2136848, App no 2010/91444).

Overall the scheme offers sustainable development and will be of benefit to the residential amenity of neighbouring properties and the setting of the nearby Listed Buildings.

It is considered that this statement has demonstrated the proposal conforms with both national and local policy. As a consequence, the applicant is entitled to the presumption in favour of Section 38(6) to be weighed in their favour. It is considered that the development gives rise to no issues of harm. It is considered that the careful siting of the buildings, construction and design in appropriate external materials is appropriate for the area and its setting.

The applicant remains willing to discuss all aspects of the proposal with the Council. Should any matters arise or further clarification be required, please do not hesitate to contact me.