



# STATEMENT OF COMMUNITY INVOLVEMENT

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**URBAN DEVELOPMENTS (YORK)  
LTD AND JGC (1980) LTD**

**LAND AT CLIFF HILL, LEAK HALL CRESCENT, DENBY DALE**



# STATEMENT OF COMMUNITY INVOLVEMENT

**On behalf of:** Urban Developments (York) Ltd and JGC (1980) Ltd

**In respect of:** Land at Cliff Hill, Leak Hall Crescent, Denby Dale

**Date:** August 2023

**Reference:** 4394LE.R004.A

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## 1.0 Introduction

- 1.1 This Statement of Community Involvement ('the SCI') has been produced on behalf of Urban Developments (York) Ltd and JGC (1980) Ltd ('the Applicants') to accompany an application on land at Cliff Hill off Leak Hall Crescent ('the Site') which seeks full planning permission for the construction of 62 dwellings and associated works together with new access from Cumberworth Lane, parking, landscaping and drainage ('the Proposed Development').
- 1.2 The Proposed Development is a resubmission of planning application 2022/62/91911/E which was submitted on May 31<sup>st</sup> 2022 and refused by the Council on March 21<sup>st</sup> 2023 ('the Original Application'). The Original Application sought permission for 48 dwellings as opposed to 62 dwellings.
- 1.3 The Proposed Development is described in full within the accompanying Planning Statement and is shown on the associated drawings.
- 1.4 This SCI specifically refers to the scope of community involvement and consultation which took place as part of the Original Application, both prior to submission as well as the representations made during the application stage. No further public consultation was undertaken prior to the Proposed Development.

## 2.0 Planning Policy

2.1 This chapter provides an overview of national and local policy in relation to community involvement in the planning system.

### **National Planning Policy Framework ('NPPF') (2021)**

2.2 The NPPF was revised in 2021 and sets out the Government's proposed economic, environmental and social planning policies for England.

2.3 The NPPF carries forward the Government's commitment to support sustainable economic growth and indicates that significant weight should be placed on the need to support economic recovery through the planning system.

2.4 It highlights, at Paragraph 39, the importance of early engagement in improving the efficiency and effectiveness of the planning application system for all parties.

2.5 It also outlines in Paragraph 42 that the participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage.

### **Kirklees Council's Development Management Charter and Statement of Community Involvement**

2.6 Kirklees Council's Statement of Community Involvement was published in December 2019 and sets out how the Council will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan, Areas Action Plans, Neighbourhood Plans and Supplementary Planning Documents.

2.7 The Statement makes clear that it does not seek to set out how applicants engage with the community in respect of the planning application process, this is detailed in the Development Management Charter which has the full title of "Kirklees - The Place to Grow: A Development Management Charter" and was published in July 2015.

2.8 This charter sits alongside the Statement of Community Involvement and sets out the objective of balancing the need for development with the needs of the community. This means that consultation and engagement need to be carefully considered. A further stated goal set out in the charter is that all parties should work together to bring forward successful applications that deliver high-quality sustainable development. In this light, developers are expected to engage in meaningful pre-application discussions, with adequate time allowed for the preparation of essential information and assessment proposals, including appropriate community consultation.

## 3.0 Pre-application Consultation for Original Application

### Introduction

#### Leaflet Drop

- 3.1 A total of 293 consultation letters and leaflets were sent out to residents and businesses within immediate vicinity of the Site, as well as to the relevant Ward and Parish Councillors directing them to the website of which further details were provided. These letters and leaflets served as notification of the Proposed Development and a formal invitation for interested parties to attend the upcoming public consultation event. The extent of the consultation area can be found at **Appendix 1** and a copy of the consultation leaflet is provided at **Appendix 2**.

#### Public Consultation Event

- 3.2 The event took place in Denby Dale Methodist Church on Wednesday 24<sup>th</sup> of November 2021 between the hours of 2:30pm and 7:30pm. We estimate that 50 residents attended during the event. The event was attended by representatives of DPP, the architects, Brewster Bye and Urban Developments (York) Ltd who were available to respond to residents' queries and concerns.

#### Website

- 3.3 All residents who received leaflets were directed to visit the website which provided further information, including a number of draft plans and computer-generated images of the Proposed Development. The website also gave residents the opportunity to submit comments regarding the Proposed Development and each attendee of the public consultation event was directed to visit the website on the printed comments form.
- 3.4 The website can be found at <https://www.urbangroup.co.uk/denby-dale-consultation> or a copy of the website is attached at **Appendix 3**.

#### Revised Layout

- 3.5 By the time of the consultation event the scheme had evolved to address a number of site-specific issues. It was this layout that was tabled at the consultation event. The revised layout is attached at **Appendix 4**.

#### Consultation Event Feedback

- 3.6 In terms of feedback and conversations which took place at the public event most people seemed to appreciate that the Site was allocated for housing development and understood that development would take place at some point in the future.
- 3.7 The main concern for the majority of attendees was the location of the access off Cumberworth Lane to accommodate additional traffic. Many people referred to the narrowness of the lane, that

- cars are parked on it and when this occurs vehicles have to wait and that traffic speeds (particularly downhill) are high.
- 3.8 Some people referred to traffic in leaving junctions and problems for pedestrians on narrow or non-existent footpaths. The number of cars generated by the Proposed Development was also widely raised.
- 3.9 A number of people were also concerned about overlooking particularly the residents on Leak Hall Crescent and the properties off Cumberworth Lane. The proposed property to the existing dwelling at the end of Leak Hall Crescent was raised by the owner.
- 3.10 Many people were aware of the historic mining on the Site, but no attendee stated that they believed that this was a constraint to the development of the land.
- 3.11 Several people thought that Denby Dale was not a sustainable settlement and that most people would travel by car rather than use the bus or rail service or shop locally. Further, the same people thought that Denby Dale was being over developed and that it was no longer suitable for them to live in. Many people also raised the capacity of local schools and a few also referred to the inability to get Doctors' appointments.
- 3.12 Some residents understood that the Site was well located for access to the infant/first school.
- 3.13 Drainage was another concern albeit several people were happy that a SUDs basin was now included. A couple of people did not understand how this would work particularly near the access point. Several raised flooding and capacity issues.
- 3.14 A couple of people were also interested in what measures were being put in place to address the carbon zero agenda.

### **Written Feedback**

- 3.15 A total of 12 written responses were received during the consultation period both via the online feedback form provided on the website and via post. Of these responses, there were a total of 2 comments indicating support for the principle of development, whilst none of the residents expressed outright objection to the principle of development all 12 expressed opposition to certain elements of the Proposed Development.
- 3.16 All comments have been divided into subject themes in the table below alongside our response. Some direct examples have been derived from the responses and are quoted in italics.

3.17 In respect of the comments in support of the Proposed Development we note the following:

Table 1: Comments in Support of the Original Application, received as part of the pre-application consultation.

| Theme            | Comment   |  |
|------------------|---|--|
| <b>Support</b>   |   |  |
| Need for housing | <i>"It is appreciated that more housing is needed which should be preferably affordable for those with families in this area"</i>   | These comments are noted and welcomed.   |
| Housing Mix      | <i>"I accept that the land is scheduled for housing and the type of housing seems appropriate"</i>  | These comments are noted and welcomed.   |
| Layout           | <i>"We are pleased that the layout had been amended – new proposed layout seems to 'read' much better. It looks capable of sitting better on the hillside and dealing better with run-off."</i> | These comments are noted and welcomed.   |
| Environment      | <i>"I was pleased to hear that PV panels are proposed, and ground source heat pumps were mentioned"</i>   | Ground-source heat pumps appear to be unviable due to the Site's underlying ground conditions.<br><br>Roof-mounted PV panels are a potential option which, for some plots and subject to orientation, is being considered. |

3.18 With regard to neutral comments concerning the Proposed Development, we note the following comments and our response:

Table 2: Neutral Comments Regarding the Original Application, received as part of the pre-application consultation.

| Theme                                      | Comment  | Response   |
|--|--|--|
| <b>Neutral</b>                             |  |  |
| <b>Affordable housing</b>                  |  |  |
| The dwellings should be affordable Housing | <i>"If they will be affordable housing then this housing would be welcomed."</i> | Unfortunately, due to the significant additional development costs, we are informed that it is no longer viable to provide any affordable dwellings on the Site. A viability |

| Theme | Comment  | Response                                 |
|-------|--|--|
|       | <i>“Any development must include affordable housing and have provision to prevent sale as second homes or holiday lets.”</i> | report will be submitted to the Council. |

3.19 In respect of the comments in objection to the Proposed Development we note the following issues and our response:

Table 3: Comments in Objection of the Original Application, received as part of the pre-application consultation

| Theme  | Comment   | Response   |
|--|---|--|
| <b>Objection</b>   |   |  |
| <b>Traffic</b>   |   |  |
| Cumberworth Lane is too narrow and not suitable for further traffic. | <p><i>“Cumberworth Lane is steep and narrow just at the point of entry to the Cliff Hill site. this could make it an accident blackspot. especially since there is an increase in vehicles parking on both sides of Cumberworth Lane, both above and below the Methodist Church and there is no pavement on the development side of the road for some yards.”</i></p> <p><i>“I would seek the forthcoming planning application fully addresses access to be as wide as possible to assist turning vehicles; widening of Cumberworth Road where possible to a minimum of 6m. Speed restriction into the village.”</i></p> <p><i>“There will be Issues with access onto Cumberworth Lane, we doubt the feasibility of placing housing so close to this road</i></p> | The accompanying Transport Assessment confirms that the new access can be formed with suitable visibility splays and footpaths acceptable for the road network in this location. |

| Theme                                 | Comment   | Response  |
|---------------------------------------|---|---|
|                                       | <p><i>access due to considerable difference in levels here.”</i></p> <p><i>“The proposed access from Cumberworth Lane would cause significant risk to all, on what is already a very busy road with speeding motorists. On the plan the proposed access is on a bend of Cumberworth Lane, which is in itself dangerous. Cumberworth Lane is a busy, narrow country road. It is steep and bendy in places and there are parked cars from the houses at the bottom of Cumberworth lane frequently resulting in difficult passing conditions.”</i></p> |   |
| Increase in Traffic                   | <p><i>“Already, due to the building work of around 6 houses down the road it is causing excessive traffic and parked cars.”</i></p> <p><i>“[Concern about access to Cumberworth Lane] is compounded by the additional consented development below this one also accessing Cumberworth Lane. There would also be additional impact, due to increased vehicle usage, on the junction with Wakefield Road which also has a pinch point on the left turn towards Wakefield and is already hazardous for pedestrians crossing at this point.”</i></p>    | <p>The accompanying Transport Assessment sets out the predicted traffic generation from the Proposed Development.</p> <p>The traffic projections indicate that traffic generated by the site is well within the normal daily fluctuations in traffic flows that could be expected on Cumberworth Lane. The impact of the traffic generated by the site is therefore considered to be negligible at the Cumberworth Lane / A636 Wakefield Road junction.</p> |
| Increased danger of traffic accidents | <p><i>“With limited visibility due to the bend in the road, the narrow pavements for pedestrians where this junction is planned and the likelihood of increased traffic, as well as parked cars and the speed of the traffic coming up and down the hill,</i></p>   | <p>The accompanying Transport Assessment which confirms that in the previous 5-year period there have been no collisions resulting in injury in the vicinity of the proposed new site access.</p>   |

| Theme             | Comment  | Response  |
|-------------------|--|---|
|                   | <p><i>this proposal makes the risk of severe injury increasingly likely.”</i></p> <p><i>“The access onto Cumberworth Lane is of great concern, joining at a point where the road already narrows for both pedestrians and cars; visibility would be poor; and just above where numerous cars are now parked on a steep incline making this section of road more and more hazardous.”</i></p> <p><i>“If the access road is built I cannot see how the currently installed safety traffic mirror that is currently installed will remain. Removing this mirror will significantly increase the risk of a traffic accident. Without the mirror, it will make exiting the church driveway highly dangerous because of the limited vision that is naturally available.”</i></p> |   |
| Parking Provision | <p><i>“This looks like parking is an afterthought after the maximum number of houses has been fitted in. The long-term consequences of this will be people parking on street, or elsewhere, a cluttered and unsatisfactory streetscape, difficulty manoeuvring vehicles including deliveries, dangers to children and others crossing the roadways.”</i></p> <p><i>“I can only count 112 car parking spaces for 68 dwellings, less than two per household, with no provision for visitor parking. Tandem parking is unpractical for users, with road</i></p>   | <p>The scheme has evolved to provide a more spacious streetscape and room for cars to manoeuvre. It now provides a minimum of 2 off-street parking spaces per dwelling 6 off-street visitor parking spaces. It is therefore considered that the Proposed Development has a generous parking provision and will not exacerbate any on-street parking issues that may occur in neighbouring streets.</p> <p>The scheme has since evolved from the time of this public consultation and reduced from 69 to 47 proposed dwellings. As mentioned previously there is now a generous provision of at least 2 spaces per</p> |

| Theme  | Comment  | Response   |
|--|--|--|
|  | <p><i>parking used instead. If you walk around the estates of Bromley Bank on an evening or weekend you will see lots of parking on pavements and roads leading to congestion.”</i></p> <p><i>“There is little parking in Denby Dale already, the more people in Denby Dale the increased pressure there will be on what little parking is available.”</i></p>   | <p>dwelling that it supplemented by visitor parking. Therefore, the Proposed Development is not now considered to place any additional pressure on the village’s existing parking provision.</p>   |
| <p>Danger to pedestrians on Cumberworth Lane</p> | <p><i>“This busy road with narrow pavements is used by pedestrians, ramblers and Shelley College children walking between the villages. There is also limited access visibility and sight line, when crossing over from Cumberworth Lane as it used as a short cut for all pedestrians, including children, using this route when walking to and from the Primary and High School The village and surrounding major roads are already hugely overcrowded and dangerous with significant parking problems.”</i></p> | <p>The accompanying Transport Assessment confirms that in the previous 5-year period there have been no collisions resulting in injury in the vicinity of the proposed new site access.</p>  |
| <p>Drainage</p>                                  |  |  |
| <p>Potential flooding on Site</p>                | <p><i>“We have a concern about pluvial run-off, that un-manged grassland is being replaced by hardstanding.”</i></p> <p><i>“In recent years there has been a lot of building on the surrounding land and due to inadequate provision for drainage on these sites this has</i></p>  | <p>The accompanying Flood Risk Assessment (FRA) by Ward Cole Consulting Engineers (reference: 10/5610) has looked at the implications of the Proposed Development in relation to flood risk. It confirms that the Site is located within Flood Zone 1, which is where the annual risk of flooding from rivers and the sea is low, and in</p> |

| Theme   | Comment  | Response   |
|---|--|--|
|   | <p><i>increased flooding in the village centre. Please ensure any drainage and flood prevention measures that are put in place on this site are future proofed to cope with the expected increase in heavy rainfall due to climate change and prevent flooding to other properties in the valley.”</i></p> <p><i>“I would seek the forthcoming planning application fully addresses [the need for] 1in 100 SUD's to capture surface water”</i></p>   | <p>which all development is appropriate. The report confirms that the risk of surface water flooding is low.</p> <p>Further, the report confirms that the proposed surface water drainage system which incorporates stormwater attenuation will further reduce the risk of flooding on the Site and to surrounding properties. The report confirms that the surface water runoff outflow from the development will be restricted to the calculated Greenfield runoff rate of 12 l/s.</p> <p>The proposed layout now depicts a large SUDS basin to the northeast of the Site which will attenuate water prior to discharge.</p> |
| <p>Increasing of flood risk elsewhere in Denby Dale</p> | <p><i>“We would also like to ensure that the water that runs along our boundary isn’t disturbed so that any possible flooding doesn’t come into our garden”</i></p> <p><i>“The situation in Denby Dale is already not good now, so a higher standard is needed. The site must avoid adding to existing overloads on drains which cause a river to run along the main road after heavy rain, causing pedestrians walking on the north side of the road to get soaked by passing buses, lorries and vans – and some thoughtless cars!”</i></p> <p><i>“The small amount of front areas of the houses will be paved over for additional parking (as at Bromley Bank) creating additional run off for</i></p> | <p>See the comments above.</p>   |

| Theme                                | Comment  | Response   |
|--------------------------------------|--|--|
|                                      | <p><i>rain putting pressure on the sewers and less green space.”</i></p> <p><i>“In the past, the River Dearne has already flooded causing damage to houses and businesses. There is insufficient drainage and what there is, suffers from neglect, as it can be seen on Wakefield Road, when water is bubbling out from the drains.”</i></p>   |  |
| <p>History of Mining on the Site</p> | <p><i>“There is clearly history of mining on and around the site. ‘Sink holes’ have appeared in nearby sites, and on our land. This is part of geomorphology and drainage currently in place and may also offer opportunities to wildlife – for good or ill. Development on adjacent site resulted in influx of rats to nearby properties, including ours, which caused nuisance and expense. These allegedly came from a disturbed mining feature.”</i></p> <p><i>“This area was mined extensively by Naylor’s to extract clay, years ago and it is believed that the shafts are still there. It is known to have collapsed on at least one occasion. There was a case when a horse went through and subsequently had to be shot as it could not be rescued. There would have to be major drilling to the land and would cost a major amount of money to fill.”</i></p> | <p>A Phase 1: Desktop study report &amp; Coal Mining Risk Assessment (reference: 21-719) and Coal Risk Assessment (CRA) (reference: C2206/21/E/3554) undertaken by Arc Environmental and Environmental Geotechnical Specialists respectively have looked at the ground conditions, potential sources of contamination and legacy mining issues.</p> <p>The Phase 1 CRA report acknowledges potential risks of instability at the Site from the working of shallow coal seams and, therefore, recommends that development should not take place without further investigation to conclusively determine the presence and integrity of such workings.</p> <p>If remediation of the mine workings present below the Site is required, the CRA report outlines generalised measures such as capping mine shafts and pressure grouting voided ground should such issues be found on the Site.</p> <p>This was followed by a Phase 2 Geoenvironmental Report prepared by RGS. This report recommends</p> |

| Theme                               | Comment   | Response   |
|-------------------------------------|---|--|
|                                     |   | <p>that a remediation strategy is produced to protect workers during construction and the completion of the gas monitoring in order to design appropriate foundation measures. The report indicates that the initial results suggest that the Site can be provisionally classified as Characteristic Situation Level 2. The presence of mine shafts was fully explored, and the report indicates that given the integrity of the shafts, and their location in relation to the proposed structures the following remedial options are likely to be approved by the Coal Authority:</p> <ol style="list-style-type: none"> <li>1. Install reinforced concrete cap at rockhead.</li> <li>2. Drill and grout shaft fill.</li> </ol> <p>The report also considers the excavate and recompact method of treating the mine workings as an alternative to grouting. The Phase 2 report has informed the layout.</p> |
| Existing Services within Denby Dale |   |  |
| Strain on existing services         | <p><i>“The extra traffic and people living on this site and the other development sites will place a considerable extra burden on the infrastructure in the local area. What are you doing as developers to support the infrastructure locally (transport, facilities such as schools, doctor’s surgeries etc and the environment)? “</i></p> <p><i>“This new proposed development of social housing and its problems will have a massive detrimental drain on the local health services and police and will negatively impact of the heath and</i></p> | <p>The Site form part of the ‘HS144’ housing allocation in the Kirklees Local Plan: Allocations and Designations document. This document indicative that the wider site has a capacity of 113 dwellings. In producing that document, the Council would have assessed the capacity of the service and facilities in Denby Dale to accommodate additional growth and in that context the Council plainly concluded that there was either sufficient capacity in the services and facilities or that additional capacity could be made available either through a financial contribution or through direct negotiations with the supplier or</p>  |

| Theme                                | Comment   | Response   |
|--------------------------------------|---|--|
|                                      | <p><i>welfare of the local residents and the highly rated first, middle and high schools”</i></p> <p><i>“Leak Hall Crescent was originally planned for a limited number of buildings; accordingly the services (ie. Electric, Gas, Water and Drains) were only intended for this number. Since then both Leak Hall Crescent and Leak Hall Road have had added property which impede these services.”</i></p> <p><i>“I would seek the forthcoming planning application fully addresses [the need for] adequate s106 contributions to assist water / sewer connections, schools, doctors and local roads”</i></p> <p><i>“Has anyone taken into consideration the pressure that schools and doctors will be put under? Already, children in Denby Dale are turned away from the school and have to travel elsewhere. The surgery is only open on a morning 5 days a week due to the national shortage of the professional health service.”</i></p> | <p>that any obligation to increase capacity lied with the providers.</p> <p>The Site is forms part of a housing allocation and it is Council policy that the Site should be developed for housing purposes.</p>  |
| <p><b>Environmental concerns</b></p> |   |  |
| <p>Biodiversity</p>                  | <p><i>“How are you achieving biodiversity net gain?”</i></p> <p><i>“I would seek the forthcoming planning application fully addresses [the need for] Biodiversity Net Gain to be clearly illustrated within the</i></p>   | <p>The accompanying Initial Ecological Review report by Smeeden Foreman (reference SF3282) confirms that the public open space to the north-east of the Site will provide scope for biodiversity enhancements with tree and hedgerow planting across the Site in association with garden</p> |

| Theme   | Comment  | Response   |
|---|--|--|
|   | <p><i>application habits lost / mitigated/ compensated and enhanced.”</i></p> <p><i>“Are you planting trees around your site or encouraging biodiversity?”</i></p> <p><i>“There appears to be no proposals to maintain or enhance biodiversity in the plans. The development is proposed on what was farmland with existing established hedges and trees. I believe there are no provisions to minimise the impact on the site, which is a prominent site in the village and no provisions to provide a net gain for diversity.”</i></p>                               | <p>boundaries.</p> <p>A full Ecological Impact Assessment (EclA) and further surveys (including a Biodiversity Net Gain Assessment (DEFRA Metric version 3.1)) have been commissioned to calculate the existing value of the Site in terms of biodiversity and to identify potential gains and losses to mitigate against which may result from the Proposed Development.</p>  |
| <p>Protecting habitats of certain species</p> | <p><i>“The owls, swallows, squirrels and other species which depend on trees and green spaces are a key feature of the environment that makes this an attractive village. They depend on mature trees, hedgerows and links via ‘green corridors’ to other areas such a Wither Wood. It seems no account has been taken of biodiversity or existing trees or hedgerows in the design.”</i></p> <p><i>“Hedgehog friendly fencing should be provided between dwellings with space for them to commute between gardens and hedges planted as a wildlife corridor.”</i></p> | <p>The Initial Ecological Review provides preliminary recommendations with regard to protecting habitats; however, the above mentioned further surveys and reports are currently being undertaken and will outline detailed opportunities to protect and enhance habitats.</p> <p>The Initial Ecological Review does, in the meantime, outline precautionary working methods which will be adopted to ensure species such as hedgehog, badger and other mammal species are not harmed or killed during the works. These recommendations include the removal of any tree/shrub cuttings from the Site and the capping of any open pipe work at the end of each working day.</p> |
| <p>Energy Efficiency</p>                      | <p><i>“I was pleased to hear that PV panels are proposed, and ground source heat pumps were mentioned – although</i></p>   | <p>The scheme will comply with local authority requirements to ensure a satisfactory level of sustainability. High energy efficiency will be</p>   |

| Theme                              | Comment   | Response   |
|------------------------------------|---|--|
|                                    | <p><i>only to some of the new properties- why?"</i></p> <p><i>"Do all your houses conform to the highest energy efficiency standard? Do they have full insulation, solar panels or air source heat pumps or other alternatives to gas central heating as standard?"</i></p>   | <p>promoted throughout the Proposed Development.</p> <p>Air-source heat pumps are a potential option that is actively being considered.</p> <p>Roof-mounted PV panels are a potential option which, for some plots and subject to orientation, is being considered.</p>  |
| Future proofing for Climate Change | <p><i>"How are you achieving a carbon neutral development?"</i></p> <p><i>"Embrace the future – put in attractive alternatives, make properties future-proof, and reduce bills for householders in the long-term, and help reduce global warming. If not – you are part of the problem and we will all suffer!"</i></p> <p><i>"As with landscaping and biodiversity this should be foremost in the design. Future proofing for the phasing out of gas central heating, but providing at least solar panels per dwelling and thought should be given to heat pumps."</i></p> | <p>The Proposed Development has been designed to meet all of the relevant and applicable building control standards.</p> <p>Please refer to above comments in response to the theme of 'Energy Efficiency' which refer to the possibility of implementing PV panels and air-source heat pumps.</p>   |
| Trees                              | <p><i>"I am particularly committed to urging you to retain two trees that are very visible on the site from outside. These are a very significant oak in the existing hedgeline leading from the back of the houses on Leak Hall Road; and a smaller oak tree near boundary wall to the track to the NE of the site."</i></p> <p><i>"Retaining this mature oak tree will have far more benefit for carbon capture and wildlife &amp;</i></p>  | <p>There is currently an existing Tree Preservation Order (TPO) in place for one Oak Tree which will, of course, be retained in line with the TPO.</p> <p>Preliminary recommendations to enhance the Site's biodiversity (outlined in the accompanying Initial Ecological Review report) include the inclusion of areas of wildflower grassland, scrub and tree planting</p> |

| Theme  | Comment   | Response   |
|--|---|--|
|  | <i>biodiversity than many more newly planted trees.”</i>  | using appropriate native species within the landscape proposals.   |
| <b>Amenity Concerns</b>                      |   |  |
| Protecting views and the Public Right of Way | <i>“It is essential to maintain this width of the track to the north-east of the site to allow householder’s right of vehicle access all along route of the PROW. This is also a busy walk to schools and to the village and for leisure and dog walkers. Currently there are wide and attractive views across valley, a stone wall and grassy verges awith a young oak tree right at the edge which should be protected during works – all this character and features should be retained. “</i>   | <p>The PROW lies outside of the Site boundary and, therefore, the proposals will not impact upon the width of the PROW or access to it. The scheme has been carefully designed to make a positive contribution to the setting and landscape of the Site.</p> <p>The Site forms part of an allocated parcel of land and when the Site was allocated the Council plainly accepted that views from the PROW across the Site would be lost.</p> <p>Nonetheless, the existing boundary walls along the PROW are proposed to be retained along with the oak tree which lies on the PROW boundary.</p>  |
| Loss of Privacy                              | <p><i>“The properties are too close to our garden fence. Building houses that on look on to ours will devalue our house.”</i></p> <p><i>“In order to maintain privacy in our living room, which is raised at the back of the property due to the gradient of the land, we would like to ensure that the gable end of the new homes, that are situated closest to our property don’t feature any windows.”</i></p> <p><i>“I find it an infringement of my privacy. I note that the area of the proposed building will encroach at the bottom of my garden. In infill and redevelopment schemes new</i></p> | <p>The scheme has since evolved from the time of this public consultation and reduced from 69 to 47 proposed dwellings. The layout and design of the residential element of the Proposed Development has been modified accordingly to take into account the neighbouring properties and the new dwellings have been orientated to ensure no overlooking and enable adequate sunlight for both proposed and existing dwellings in the area. Where proposed gardens will back onto existing properties, trees will be planted at the boundary to help screen the development and avoid the loss of privacy. The back-to-back distance between these dwellings is considered acceptable and every</p> |

| Theme  | Comment  | Response  |
|--|--|---|
|  | <i>buildings should respect the existing character and appearance of an area and ensure the retention of adequate privacy for and daylight to existing dwellings/flats."</i>   | effort has been made to ensure privacy.   |
| Other Comments   |  |   |
| Social Housing   | <p><i>"We will not/do not support the application for the development of rental social housing in Denby Dale Village. Denby Dale does not have the infrastructure to support a social housing development along with all the "social issues" that it will bring with it"</i></p> <p><i>"I will not support an application for a development of rental social housing. Denby Dale cannot support a social housing development along with all the problems that come with it, social disturbance, drug problems drain on local health services as seen with the Scissett development."</i></p> | Due to the significant additional development costs, we are informed that it is no longer viable to provide any affordable dwellings on the Site. A viability report will be submitted to the Council.  |
| Provision of open space and areas for children to play | <i>"My view is that the density of the development is too high. The garden plots look relatively small and there is no open space within the development for children to congregate and play out. The nearest playground is in Sunny bank and there are two main roads to cross. There should be provision in the development for children to kick a ball or ride a bike/scooter."</i>   | <p>Kirklees Council's Open Space Supplementary Planning Document (adopted June 2021) requires a certain amount of new open space to be provided per dwelling on new developments. The policy indicates that open space should be provided on-site where possible. The Proposed Development includes the provision of 4 areas of public open spaces on the Site.</p> <p>The Site does not form part of the Green Belt.</p> |

| Theme                        | Comment  | Response   |
|------------------------------|--|--|
|                              | <p><i>“The land is a green belt open space, with a variety of plant and animal life and habitats between all species of plants, animals and micro-organisms and the ecosystems within which they live and interact. The area in questions is home to local farm animals. Already Kirklees has sold off the four green spaces on Leak Hall Crescent for building purposes, depriving the children of local playing areas.”</i></p> <p><i>“Due to the continual building, there are limited play-areas for children to be safe. Now, children have to cross the main roads to the nearest recreation area on Sunny Bank, the other area being over at Gilthwaites.”</i></p> <p><i>“By removing the grassed areas you are removing the natural soak-aways, and also local conservation areas will be ruined.”</i></p> | <p>The accompanying Initial Ecological Review states that the Site is predominantly comprised of neutral grassland of varying condition. It makes initial recommendations for the enhancement of the Site’s biodiversity including the inclusion of areas of wildflower grassland and the inclusion of aquatic vegetation. Further detailed recommendations will come in the form of a full Ecological Impact Assessment (EclA) and further surveys which have been commissioned.</p> <p>The provision of the 4 open spaces on Site (as described above) and generous front and back garden space for each of the dwellings will ensure that children will have plenty of places to play safely outside.</p> <p>Please refer to above comment with regard to possible impacts on grassland, conservation and biodiversity.</p> |
| <p>Loss of Historic feel</p> | <p><i>“I hope that the development will maintain the character of the area – with retaining and enhancing existing dry stone walls, retaining existing trees where possible or of key significance, including hedgerows, and avoiding ‘suburban or urban’ materials and details in paving and fencing etc”</i></p>   | <p>Denby Dale is an urban area, which is characterised by urban development, much of it modern or relatively modern. Notwithstanding the above it is considered that the Proposed Development will maintain the character of the area by retaining existing dry-stone walls and trees where possible and through the use of materials. The proposed material for the dwellings is primarily stone respecting the historic vernacular of Denby Dale. Therefore, it is considered that the Proposed Development will not result in the loss of the historic feel.</p>  |

| Theme       | Comment  | Response  |
|-------------|--|---|
| Housing Mix | <p><i>“The existing houses on Cumberworth Lane are bungalow in design and I feel it would be good design to build dwellings adjacent to these and on the highest point of the site as bungalows. These types of dwellings are in short supply in the village and would be a welcome addition to the site in terms of spread of ages or ability of occupiers”</i></p> | <p>Whilst it wasn’t possible to incorporate bungalows into the proposed scheme. The proposed housing mix provides a range of 2- to 5- bedroom properties of varying sizes including eight 2-bedroom properties, nine 3-bedroom properties, twenty-two 4-bedroom dwellings and eight 5-bedroom dwellings. The housing mix will therefore cater to a variety of occupiers at different life stages.</p> |

## 4.0 Revised Submission Following Feedback on Original Application

- 4.1 As part of the Council's statutory, requirement opportunity to comment on the Original Application was provided to statutory consultees, internal consultees and the public. It is not clear how many letters were sent out to residents as part of the Council formal consultation process however a total of 67 responses were received as well as one from a councillor and one from Denby Dale Parish Council.
- 4.2 In total, three neutral comments were received and 64 objections. Both the councillor and Parish Council objected. All of the comments have been reviewed.
- 4.3 A summary of the comments received together with the Applicants responses are set on in the tables below.

Table 4: Neutral Comments on the Original Application, received as part of the statutory consultation period.

| Theme              | Comment   | Response   |
|--------------------|---|--|
| <b>Neutral</b>     |   |  |
| Notices            | Incorrect dates on the public notices published on the site.  | This has been noted and it is expected that the correct dates will be published on any future notice for the Site.   |
| Flood and Drainage | Please ensure that any flooding and drainage measures are future proofed to cope with climate change. | The submitted flood and drainage documentation has accounted for climate change, calculating the required run off rates and attenuation to the appropriate standard. |
| Highways           | Footpaths should be retained to the village to promote walking.                                       | The internal estate road has been designed to accommodate a footway on both sides to ensure safe access to the off network of footpaths.                             |
|                    | Appropriate visibility splays should be provided.   | The submitted drawings and highway report show that a visibility splay can be achieved   |

| Theme               | Comment   | Response   |
|---------------------|---|--|
|                     |   | that is appropriate for the local network and speeds.  |
| Energy Efficiency   | Homes should be future proofed and include measures to reduce energy consumption. | All homes will be constructed to meet Part L Building Regulations compliance which requires suitable insulation. Further technologies can be explored through building regulations should planning be granted. |
| Residential Amenity | Would like to discuss loss of amenity to their back garden.                       | The amended drawings show greater separation distances and reorientation to protect amenity.   |

Table 5: Comments in Objection of the Original Application, received as part of the statutory consultation period.

| Theme         | Comment   | Response  |
|---------------|---|---|
| <b>Object</b> |   |   |
| Remediation   | Should not be removing fossil fuels due to climate change.                                    | . It is now proposed to remediate the land via grouting. Coal measures will only now be removed in locations very close to the proposed surface, if at all. If coal measures are to be removed, it will be limited and the minimum necessary to create a stable development platform in the central part of the Site. |
|               | Air, dust and noise pollution generated will be detrimental to existing residents and health. | As above, the level of remediation now proposed is significantly less than previously proposed and therefore there will be  |

| Theme | Comment  | Response  |
|-------|--|---|
|       |  | reduced impacts on air, noise and dust pollution.   |
|       | Insufficient information provided regarding vehicle trips and works during excavation. Including site access.          | Remediation is now to be secured via grouting and therefore minimising vehicle trips and internal working. Further details on vehicle movements can be secured via an appropriately worded condition on any approval to ensure that the number of trips, their frequency and their timings does not detrimentally impact on neighbours or the road network.   |
|       | Concern over vibrations and damage to properties.  | All remediation works will be carried out by competent professionals and there will be no damage to neighbouring properties.  |
|       | The level of mineral extraction should require a standalone application and should not be classified as “remediation”. | <p>It is now proposed to essentially grout the Site. The grouting work are being undertaken solely for the purposes of remediating the Site to enable the construction of residential properties. Any mineral extraction will be strictly limited. The remediation works proposed are directly and inextricably linked to the construction of dwellings and is therefore not a separate minerals operation.</p> <p>The grouting and remediation works cannot be separated from the housing development.</p> |

| Theme              | Comment  | Response   |
|--------------------|--|--|
| Affordable Housing | Should be providing affordable homes.  | Affordable homes are not provided due to the level of abnormal costs one of which is the expensive grouting works. . A full financial viability assessment has been provided to demonstrate this and this appraisal accords with the national guidance and local policies. This will be reviewed by an independent assessor as part of the planning application. |
|                    | Does not meet the affordable housing requirement.                              | As above.  |
| Impact on wildlife | There will be a detrimental impact on wildlife through construction and noise. | The Site is allocated for housing development and in preparing the KLP the Council clearly recognise that wildlife would be disrupted. The submitted supporting reports, include an ecological survey and assessment, demonstrates that there are no protected species present on the Site and any ecological impacts can be mitigated.                          |
|                    | Detrimental impact on existing habitats, trees and shrubs.                     | As above.  |
|                    | Bats have been known to utilise the Site.                                      | As above, no protected species have been found on the Site.  |
| Highways           | Risk to pedestrians and traffic blackspots at the point of access to the Site. | The submitted Transport Assessment has shown that there are no known issues with the highway network which are causing repeated accidents and that the level of traffic generated will not   |

| Theme                 | Comment  | Response  |
|-----------------------|--|---|
|                       |  | conflict with paragraph 111 of the NPPF.  |
|                       | Access is inadequate due to parked cars and potential for blocking emergency vehicles.         | This comment has been noted and the Applicants supports the use of Traffic Regulation Orders to limit parking should the Council consider it necessary.   |
|                       | Inadequate visibility splay provided.  | The submitted drawings and reports show that a visibility splay can be achieved that is appropriate for the local network and speeds.   |
|                       | Cumberworth Lane is narrow and busy and therefore proposals will decrease safety.              | As above.   |
|                       | Application should use Leak Hall Lane as per the requirements of the allocation.               | It is not within the Applicant's power to provide access via Leak Hall Lane and the Council must consider the Proposed Development as it is before them. The supporting information demonstrates that the proposed access is achievable and appropriate for the scale of development.   |
| Flooding and Drainage | Increase in instances of flooding in Denby Dale due to new developments and previous grouting. | The Proposed Development includes a storage tank for surface water drainage which has been designed to accommodate the surface water run-off from the Site , accounting for climate change. This storage tank will attenuate the surface water and discharge it at the greenfield run off rate to ensure that the rate is the same as the existing. |

| Theme                          | Comment   | Response   |
|--------------------------------|---|--|
|                                | No evidence or details on how the SUDS basin will prevent flooding and protect homes.                                     | Please see the submitted Flood Risk Assessment and Drainage Strategy for more information.   |
|                                | Concern over who will maintain the attenuation storage.   | The attenuation will be maintained by a maintenance company.   |
|                                | Existing culverted stream from Leak Hall Farm running through the Site and it is not clear how this will be accommodated. | Please see the submitted Flood Risk Assessment and Drainage Strategy for more information.   |
| Loss of green spaces           | Denby Dale has seen a reduction in green spaces for residents and children to play.                                       | Open space is proposed on the Site, and it is intended that a financial contribution will be made to offset the identified shortfall in public open space. Previous consultee comments suggest that this would be approximately £88,594.   |
|                                | No open space provided on site.   | See above.   |
| Local services                 | Not enough school spaces and doctor's surgeries currently at capacity.  | It is intended that a financial contribution of approximately £59,573 will be provided to address the expected increase in pupil numbers. Doctor financial payment for the more people that they treat so there is a financial benefit to the local practice to expand/offer a greater level of service. |
| No need for additional housing | Kirklees Local Plan is based on old census data which is now out-of-date given projected population increases have not    | There is currently a policy requirement for additional housing within Kirklees. There is also a national housing crisis due to the failure to build the Government's target of   |

| Theme                                 | Comment   | Response  |
|---------------------------------------|---|---|
|                                       | materialised. Therefore, no additional housing is required.   | 300,000 homes a year, a target that has never been met in any year. This has therefore caused a backlog which needs addressing regardless of future housing need.   |
| Loss of privacy to adjacent residents | Proposed properties are too close to Springhead Gardens   | The amended layout shows that distances between adjacent gardens and dwellings have been increased and dwellings reorientated to ensure that amenity is protected amenity.                                |
| Design                                | The proposed development is considered to be a poor design and will change the character of Denby Dale. | The Proposed Development represents a complimentary design, using traditional forms and materials used in the local area. Please see the submitted Design and Access Statement for more information.      |
|                                       | Boundary treatments are too urban and should reflect the rural setting of Denby Dale                    | The proposed boundary treatments again seek to match those in the local area and the adjacent development. However, further details can be secured via an appropriately worded condition on any approval. |

## 5.0 Summary

- 5.1 Consultation has been undertaken by DPP on behalf of the Applicants prior to the formal submission of the Original Application in line with the NPPF and Kirklees Council's Development Management Charter and Statement of Community Involvement. Further consultation was then carried out as part of the Original Application and this statement provides further information on the Applicants responses to the points made at that stage in the process.
- 5.2 Issues have been raised by stakeholders and the Applicants have sought to address them where practically possible and necessary. These details are contained in the accompanying application documents and plans, and are summarised in this SCI.
- 5.3 We therefore conclude that this SCI demonstrates that the Applicants has had regard to the various views of the local residents and other stakeholders in the preparation of the Proposed Development.