



DESIGN AND ACCESS STATEMENT

**Demolition of existing buildings and construction of
five bedroomed detached house**

**Land at Spring Grove Gardens,
Paul Lane,
off Bog Green Lane,
Colne Bridge,
Huddersfield,
HD5 0PU**

06/09/2023



1. The Proposal

1.1. The proposed dwelling is to be located to the north-west of 50 Paul Lane and is to replace the existing building block previously used for the storage of materials. External areas within the site are used for general storage associated with 50 Paul Lane. The building is made up of internal divides and has a historic use which is also associated with the applicant's use of the house for storage and maintenance activities within a residential curtilage.

1.2.. The proposed dwelling is to make use of renewable building materials, including a timber frame structure and wooden cladding. To ensure minimal environmental impact, the intention is to use triple glazing, heat pump technology and solar PV cell/battery systems. The installation of electric car charging points will also be carried out.

1.3. The proposal involves the removal of a building with a volume of 1028m³ (floor area of 286m²) and its replacement with a building with a volume of 1036m³ (floor area 322m²).

1.4. The existing access from Paul Lane will be used.

2. Site Description

2.1. The site comprises of a large two-storey detached stone-built dwelling plus a large single storey building block which was used as stabling for horses. This building is now used as storage and is in a poor state of repair. In the middle of the building there is an open yard area with access available into the building from the north and west. The site is stepped back from the public highway and is accessed from a driveway leading up from Paul Lane to 50 Paul Lane.



2.2. The site slopes down from east to west, with the proposed application site sitting at a higher ground level to the adjacent driveway. There are a number of trees located to the rear and which line the driveway up to the site. The site is within a rural location with the nearest residential dwelling being located around 290m away to the south-west. To the north is Yorkshire Shooting Centre and to the east and south beyond the trees is open countryside.

2.3. The site is located within the Green Belt but is not within a Conservation Area or located in close proximity to any listed buildings.

3. Local and Nation Planning Policy

Kirklees Local Plan

3.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019) and the Holme Valley Neighbourhood Development Plan (adopted 8th December 2021).

3.2, The site is within 'Unallocated' land on the LP Policies Map but is located within the Green Belt, Strategic Green Infrastructure Network, Coal Referral Area and a Bat Alert Area. It is also important to note that the site is located adjacent to ancient woodland to the east.

3.3. Principal policies relevant to this enquiry include:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP7 – Efficient and effective use of land and buildings



- LP20 – Sustainable Travel
- LP21 – Highway safety and access
- LP22 – Parking
- LP24 – Design
- LP28 – Drainage
- LP30 – Biodiversity and Geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP33 – Trees
- LP51 – Protection and Improvement of Local Air Quality
- LP52 – Protection and Improvement of Environmental Quality
- LP53 – Contamination
- LP58 – Garden Extensions
- LP59 – Brownfield sites in the Green Belt

3.4. National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF), published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance.

3.5. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed places
- Chapter 13 – Protecting Green Belt land
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Highways Design Guide Supplementary Planning Document (2019)
- Kirklees Housebuilders Design Guide Supplementary Planning Document (2021)
- Kirklees Waste Management Design Guide for New Developments (2020)
- Biodiversity Net Gain in Kirklees Technical Advice Note (2021)



- Kirklees Climate Change Guidance for Planning Applications (2021)
- Kirklees Climate Change Statement for Planning Applications Template (2021)

3.6. NPPF advises that plans and decision should apply a presumption in favour of sustainable development (para. 11).

3.7. Chapter 5 recognises the contribution of small and medium sized sites to meeting housing requirements of an area and, amongst other matters, supports the development of windfall sites through policies and decisions- giving great weight to the benefits of using suitable sites within existing settlements for homes (para.69).

3.8. Chapter 11 promotes the effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions (para.119). Development of under-utilised land and buildings is also promoted where available sites could be used more effectively (para. 120).

3.9. Chapter 12 identifies that good design is a key aspect of sustainable development. The creation of high-quality buildings and places is fundamental to sustainable development (para.126). Design guides and codes can be prepared (at area-wide; neighbourhood site-specific scale) to carry weight in decision-making and be based on effective community engagement and reflect local aspirations, taking account of the guidance contained in the National Design Guide/ National Model Design Code (para. 129).

3.10. It goes on to say that planning decisions should ensure developments, amongst other things, function well and add to overall quality of area; are visually attractive as a result of good architecture, layout and landscaping; sympathetic to local character and history; establish or maintain strong sense of place; optimise potential of sites; 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 (para.130).



3.10. Chapter 13 covers the protection of Green Belt land, to which the Government attaches great importance. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open (para.137). Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (para.147). A local planning authority should regard the construction of new buildings as inappropriate, unless exceptions apply, including: the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excl. temporary buildings) which would not have a greater impact on openness; or not cause substantial harm to the openness, where development will re-use previously developed land and contribute to identified affordable housing need (para.149(g)).

3.11. Chapter 14 states the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk (para. 152). When determining planning applications, local planning authorities should not require a demonstration of need for renewable or low carbon energy and recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions and approve the application if its impacts are (or can be made) acceptable...(para. 158). Moreover, inappropriate development in areas at risk of flooding should be avoided (para.159) and when determining applications, it should be ensured that flood risk is not increased elsewhere (para.167).

3.12. Chapter 15 states that planning policies and decisions should contribute to and enhance the natural and local environment (para.174) including minimising impacts on and providing net gains for biodiversity. Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground condition and any risk arising from land instability and contamination (para.183).



4. Main Issues

Green Belt

4.1. The property is located within the Green Belt. As outlined within the National Planning Policy Framework (NPPF) the essential characteristics of Green Belt are their openness and their permanence. Para. 149 of the NPPF notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but does offer exceptions, set out within paragraph 149 a) to g). Having regard to the nature of the development it is considered that exception g)' *limited infilling or partial or complete redevelopment of previously developed land*' appears to be the most directly related.

4.2. In addition, under paragraph 151 it states: *'When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.'* In our opinion the proposal is for a well-crafted home which would enhance and improve the setting in a way that allows for the development of an outstanding home.'

4.2. Policy LP59 of the Kirklees Local Plan also sets out that proposals for the redevelopment of existing brownfield sites in Green Belts will normally be acceptable, provided that:

- a. *in the case of partial or complete redevelopment the extent of the existing footprint is not exceeded; and*
- b. *redevelopment does not result in the loss of land that is of high environmental value which cannot be mitigated or compensated for.*



4.3. Policy LP59 goes on to note that in all cases, regard should be had to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt setting. The supporting text within Policy LP59 states that the redevelopment of the site, either in the same use or for a new use, may be acceptable provided that the redevelopment is designed so as not to have any greater impact on the openness of the Green Belt than the existing built form.

4.4. In this case, the proposal involves the removal of a building with a volume of 1028m³ (floor area of 286m²) and its replacement with a building with a volume of 1036m³ (floor area 322m²). As can be seen from the submitted plans the new building is of a similar size, coverage of hard surfacing, height and volume, hence will not have a materially different impact on the openness of the Green Belt.

4.5. Accordingly, an assessment is required on whether the development proposed has a greater impact upon openness. Openness has been the subject of scrutiny by the Courts over a number of years. It is generally accepted that openness is an absence of development. *Turner v SSCLG* [2016] found that openness was an open-textured concept that was not limited to simply a volumetric assessment, but also had spatial impacts. The Court of Appeal endorsed this approach in *Samuel Smith Old Brewery v North Yorkshire County*. In this instance, the application is for a similar size of development.

4.6. In attaching weight to this consideration, it is recognised that the height of the dwelling would be similar to that of the existing property. It would also have similar footprints to that of the existing property (including the existing hard surfaced areas). It is therefore considered, subject to PD rights being removed for development of the garden areas, and soft landscape features being introduced to create a buffer around the site which borders open land, an acceptable balance, can be achieved, that mitigates impacts on openness of the Green Belt.



Impact on Visual Amenity

4.7. The design has been prepared following consideration of the Council's adopted Housebuilders Design Guide SPD. This section should be read in association with the Orange Design Studio Design , Access and Planning Pack. These are identified below.

Principle 2 - New residential development proposals will be expected to respect and enhance the local character of the area by: taking cues from the character of the built and natural environment within the locality; Creating a positive and coherent identity, complementing the surrounding built form in terms of its height, shape, form and architectural details; Illustrating how landscape opportunities have been used and promote a responsive, appropriate approach to the local context.

Principle 8 – For all sites in elevated areas, the appearance in the wider landscape should be considered and with applicants demonstrating how development respects the topography of the site and its surroundings.

Principle 13 - Applicants should show how different materials which are prevalent in the vicinity of the site have been taken into account in the proposal. They should consider the use of locally prevalent materials and finishing of buildings to reflect the character of the area.

4.8. In terms of the impact upon the visual amenities of the area, the proposed development would be clearly visible from the public domain from Paul Lane. In addition, the site is set at a higher ground level, which further increases the prominence of this site. However, since the pre application submission the proposal has been reduced in size and the ground floor will be below ground level, lessening its visual impact.



4.9. The proposed dwelling will make extensive use of renewable building materials including a timber frame structure and wooden cladding. The intention is also to ensure minimal environmental impact moving forward by leveraging triple glazing, heat pump technology and a solar PV cell/battery system. Installation of electric car charging point(s) will also be carried out.

4.10. Policies within the Kirklees Local Plan and the advice contained within the NPPF seek to promote new development that responds to local character, reflects the identity of local surroundings and reinforce local distinctiveness. Moreover, the NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people. It is fundamental that the new development should generate good design and respond to the local character.

4.11. The proposal is for a modern innovative design, which satisfies the NPPF paragraph 126 for: *'The creation of high quality, beautiful and sustainable buildings and places which is fundamental to what the planning and development process should achieve'*.

Impact on highways safety

4.12. The existing access point from Paul Lane is to be used and shared by the proposed residential dwelling. The drive is hard surfaced with turning areas for cars and service vehicles. The proposed dwelling is providing two new off-street car parking spaces and waste collection facilities where the drive meets Paul Lane. The site plan shows visibility splays, parking provision and details of waste storage and collection facilities.



Climate Change

4.13. The Council has declared a climate emergency and the Local Plan seeks for new development to contribute to the climate change agenda. Therefore, it is requested that all applications include a statement on how climate change, its causes and impacts, have been considered within your proposal. This application has made reference to the guidance in Principle 18 of the Housebuilders Design Guide SPD.

4.14. The technical approach to the project is to provide a healthy environment without compromise on sustainability. It is aimed to design and build a super insulated, airtight home which benefits from both active and passive house approaches such as mechanical ventilation systems combined with passive design techniques. Another main focus of the technical design is utilising the sites natural light provisions throughout the internal spaces which is proven to improve the physical health and mental wellbeing of the building's occupants.

4.15. The new construction of the building will incorporate insulation and ventilation standards which along with energy saving and water consumption limitations which comply with the current Building regulations and hence reduce its impact on the environment and climate. In addition, the property will have an electric vehicle charging point.

4.16. The applicant is aspiring to create a technically advance structure that is as efficient and sustainable as possible using passive house standards to reduce the carbon footprint and energy usage of the build. The following is the specification for construction;



External Fabric.

The external construction shall be super insulated concrete formwork which will then be clad in reclaimed stone at lower ground floor level and weathered Accoya timber cladding at ground floor level. The roof will be formed using structurally insulated panels over glulam engineered timber beams which will then be clad over in standing seam zinc with integrated flush solar panels. Internally, the property will benefit from being treated with 'passive-purple' airtight membrane to reduce air leakage, heat loss and condensation build up completely. The target air leakage rating is 10 at 50 pascals. It is hoped to achieve 1.5 at 50 pascals.

Electric.

The house will benefit from on roof, and on ground solar panels for the main electricity supply. There will be no mains connection. The solar panels when combined with battery backup will allow for electricity storage, which enables the home to be 'off-grid.'

Heating.

It is proposed to heat the home using and electricity driven air source heat pump which will run from the battery backup and will warm the home using under floor heating & cooling. Due to the home being super-insulated, it will benefit from an MVHR system which will reuse warm stale air and combine it with cool fresh air. This reduces heat loss by up to 98% when combined with the above proposed system and specifications.

Noise

4.15. In accordance with Policy LP52 of the Local Plan and Policy within Chapter 15 of the NPPF a Residential Noise Assessment has been prepared by Nova Acoustic. It concluded: *'The proposed development has been assessed against the acoustic design criteria and a sound insulation scheme has been provided to ensure the criteria has been*



achieved. The following 'Action Plan' is outlined to ensure the design considerations and specifications from this report are duly implemented:

- 1. The proposed glazing specification should be installed as shown in Section 3.*
- 2. An MVHR unit capable of providing sufficient ventilation during overheating conditions should be installed.*
- 3. The external amenity area should utilise the screening provided by the building envelope to reduce noise associated with the nearby shooting range as much as practicably possible.*

The findings of this report will require written approval from the Local Authority prior to work commencing'.

Foul Drainage

4.16. Foul drainage will be sent into a Klergester Package Treatment Plant with an outfall into the water course, as shown on the site plan.

7. Conclusion

7.1. In summary, it is considered that the principle of constructing a dwelling house in this location accord with Green Belt policy under paragraphs 149g and 151.

7.2. Care has been taken to ensure that the proposal respects and enhances the local character of the area, taking cues from the character of the built and natural environment within the locality. This includes the Ancient Woodland. In addition, locally prevalent materials and finishing of buildings will reflect the character of the area.

7.3. Preliminary Ecological Assessment, it should also be demonstrated that the proposals would bring about no impacts on the Kirklees Wildlife Habitat Network.



7.4. A Phase 1 Investigation and a Coal Mining Risk Assessment have been completed.

7.5. In light of the above the proposed development is considered to be acceptable in terms the principle of development, layout, character and appearance and impacts on living conditions as well as the free and safe use of the highway.

7.6. The Council is respectfully requested to approve the application.