

PLANNING STATEMENT

**LAND TO THE REAR
OF 271 CLIFFE LANE,
GOMERSAL,
CLECKHEATON, BD19
4SB**

September 2023

Carter Jonas

Date: September 2023

Client: Quarters Gomersal Ltd

Job Number: J0061352

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1.0 INTRODUCTION

1.1 This Planning Statement has been prepared and submitted by Carter Jonas LLP on behalf of Quarters Gomersal Ltd (hereinafter referred to as “the Applicant”). It supports a full planning application for the residential development of land to the rear of 271 Cliffe lane, Gomersal, Cleckheaton, BD19 4SB (hereafter referred to as the “Site”).

1.2 The application seeks full permission for:

Demolition of existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works

Application Content

1.3 This Statement draws in part upon the findings of the supporting technical reports and should be read in conjunction with the accompanying application documents to provide an understanding of the proposed development, its effects and associated benefits.

1.4 The scope and nature of the application submission has been prepared in line with national and local planning application validation requirements. The following documents and plans are therefore submitted as part of the application package.

Documents

- Application Forms and Certificates (Carter Jonas);
- Planning Statement, prepared by Carter Jonas, dated August 2023
- Statement of Community Involvement, prepared by Carter Jonas, dated August 2023
- Location Plan, Dwg. No. 1694-100
- Site Layout Plan Colour, Dwg. No. 1694-101, Rev F
- Site Layout Plan, Dwg. No. 1694-101, Rev F
- Streetscapes A to K, Dwg. No. 1694-102 Rev A
- House Types AA, AB & BA, Dwg. No. 1694-103
- House Types AA, AB & BA Colour, Dwg. No. 1694-103
- House Types AC, BC & D3, Dwg. No. 1694-104
- House Types AC, BC & D3 Colour, Dwg. No. 1694-104

- House Types D4, F & G, Dwg. No. 1694-105
- House Types D4, F & G Colour, Dwg. No. 1694-105
- House Types F, G & H, Dwg. No. 1694-106
- House Types F, G & H Colour, Dwg. No. 1694-106
- House Types H, I & M, Dwg. No. 1694-107
- House Types H, I & M Colour, Dwg. No. 1694-107
- House Types BAA, I & N, Dwg. No. 1694-108
- House Types BAA, I & N Colour, Dwg. No. 1694-108
- House Types EA, EE & N Dwg. No. 1694-109
- House Types EA, EE & N Colour, Dwg. No. 1694-109
- House Types BA split, F & Garages, Dwg. No. 1694-110
- House Types BA split, F & Garages Colour Dwg. No. 1694-110
- Amenities Study, Dwg. No. 1694-113
- Opportunities and Constraints, Dwg. No. 1694-114
- Focused Sections, Dwg. No. 1694-115
- Boundary Plan, Dwg. No. 1694-120
- External Materials Plan, Dwg. No. 1694-121
- Refuse Management, Dwg. No. 1694-122
- EV Charging Plan, Dwg. No. 1694-123
- Design and Access Statement prepared by Loroc dated August 2023
- Built Heritage Assessment prepared by Prospect Archaeology, dated June 2023
- Geoenvironmental Desk Study Report, prepared by JPG, dated December 2018
- Detailed Arboricultural Method Statement, prepared by Elliot Consulting, dated July 2023
- Ecological Impact Assessment, prepared by Smeeden Foreman, dated April 2023, Rev C
- Biodiversity Net Gain Assessment, prepared by Smeeden Foreman, dated, August 2023
- Biodiversity Metric 3.1
- Transport Assessment, Sanderson Engineering, dated July 2023
- Travel Plan, Sanderson Engineering, dated July 2023
- Noise Impact Assessment, dated 25 July, prepared by ENS Ltd
- Air Quality Screening and Emission Mitigation Assessment, prepared by Enzygo dated July 2023
- Drainage Strategy, Dwg. No. 0105, Rev P2 prepared by Topping Engineers
- Flood Risk Assessment, prepared by Topping Engineers dated August 2023
- Drainage Calculations, prepared by Topping Engineers, Document Ref: 22691-C-Cals-001-P1

- Proposed Levels, Dwg. No. 0603-1, Rev P4, prepared by Topping Engineers
- Proposed Levels, Dwg. No. 0603-2, Rev P4, prepared by Topping Engineers
- Proposed Levels, Dwg. No. 0603-3, Rev P4, prepared by Topping Engineers
- Proposed Levels, Dwg. No. 0603-4, Rev P4, prepared by Topping Engineers
- Proposed Levels, Dwg. No. 0603-5, Rev P4, prepared by Topping Engineers
- Topo Survey, Dwg. 22691-C-DR, prepared by Topping Engineers
- GeoDyne Phase 2 Exploratory Investigation Report Revision 1, 13th July 2020
- GeoDyne Limited letter dated 12 June 2023
- GeoDyne Limited letter dated 9 July 2019
- GeoDyne Limited letter dated 16 October 2019
- Climate Change Statement
- Outline Landscape Masterplan and Specification, Dwg. No PWP 752 002, Rev 01 prepared by PWP Landscape

1.5 In establishing the case for the positive consideration of this application, Section 2 sets out the context to the application, detailing the site and surroundings and the background to this proposal. Section 3 sets out a detailed explanation of the proposal. Section 4 provides a commentary on the Development Plan and the latest government guidance which is material to the determination of this application. Section 5 sets out in detail the reasons why this proposal is appropriate and in accordance with the Development Plan and national planning policy considerations. Section 6 sets out a summary and our conclusions.

2.0 CONTEXT

2.1 This section will set out the context in which the proposal is situated by considering the application site and its surroundings, the proposal, and the background to the application.

Site and Surroundings

2.2 The site is located on the northwestern edge of Gomersal and is 3.60 hectares (8.90 acres) in size. It comprises of the residential property 271 Cliffe Lane (which will be demolished to provide the main site access) and associated curtilage and several irregular size fields, currently used for grazing. There are no significant buildings that exist within the field boundaries, although there are some small structures to the northeast and southwest. The fields are divided from one another by either timber posts, wire fencing or trees and unkempt field hedgerows. A plan showing the location of the site is shown in Figure 1 below.



Figure 1: Location Plan

2.3 There is a slope on the site with the fall from the southeast to the northwest, with the gradient steepening to the northwestern boundary with Ferrand Lane. There is a public footpath (Reference SPE/56/10) which runs along the northern and western boundary of the site. This public footpath is shown in Figure 2.

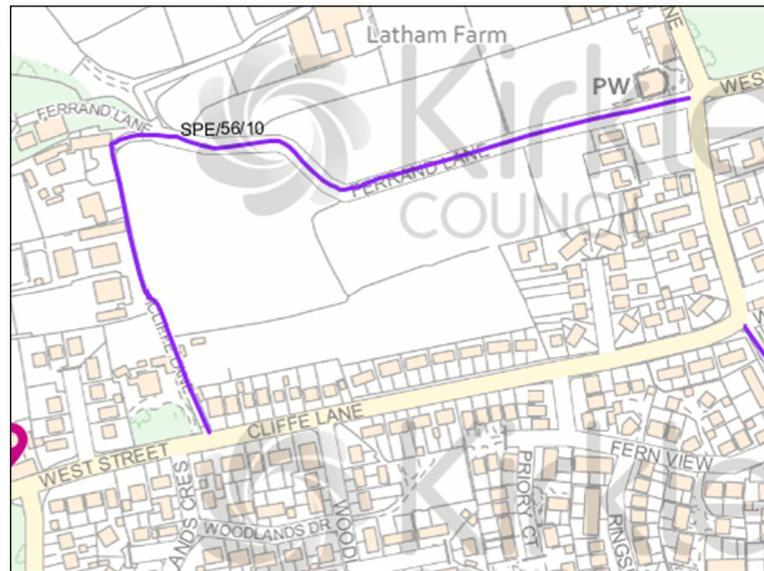


Figure 2: Public Rights of Way (Extract from Kirklees Council Website)

- 2.4 Surrounding uses to the east, south and west are predominantly residential. To the immediate east is a small paddock of circa 0.2ha. The residential properties on Cliffe Mount date from the inter war period interspersed with more recent infill developments. Properties along Cliffe Lane largely date from the post war period comprising a mix of single and two storey dwellings; 271 Cliffe Lane dating from the 1960's. None of these properties are of notable architectural merit. To the west, the site is bounded by a public right of way (footpath) beyond which is Bawson Cliffe, a large stone-built detached house of Victorian origin in mature landscaped grounds fronting Cliffe Lane.
- 2.5 The site forms part of a wider housing allocation within the Kirklees Local Plan under site allocation ref: HS116 with a potential yield of up to 135 dwellings.



Figure 3: Kirklees Development Plan Map Extract

Site HS116	
Local Plan ID	HS116
Site address	Land to the west of Cliffe Mount, Ferrand Lane, Gomersal
Ownership	Private
Gross site area (Ha)	3.87
Net site area (Ha)	3.87
Constraints	<ul style="list-style-type: none"> • Improvements to local highway links may be required • Protected trees adjacent to potential access point on Cliffe Lane • Site is close to a listed building • Part/all of the site is within a High Risk Coal Referral area
Allocation	Housing
Indicative capacity	135 dwellings
Reports required	<ul style="list-style-type: none"> • Transport Assessment • Travel Plan • Contamination report (Phase 1) • Noise Assessment • Flood Risk Assessment • Heritage Impact Assessment • Coal mining risk assessment
Other site specific considerations	<ul style="list-style-type: none"> • Site access must be from Cliffe Lane not Ferrand Lane • There should be a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrand Lane

Figure 4: HS116 Site Reference (Extract from Kirklees Local Plan)

- 2.6 The site is within close proximity to a range of amenities and an amenity study is highlighted within the Design and Access Statement.

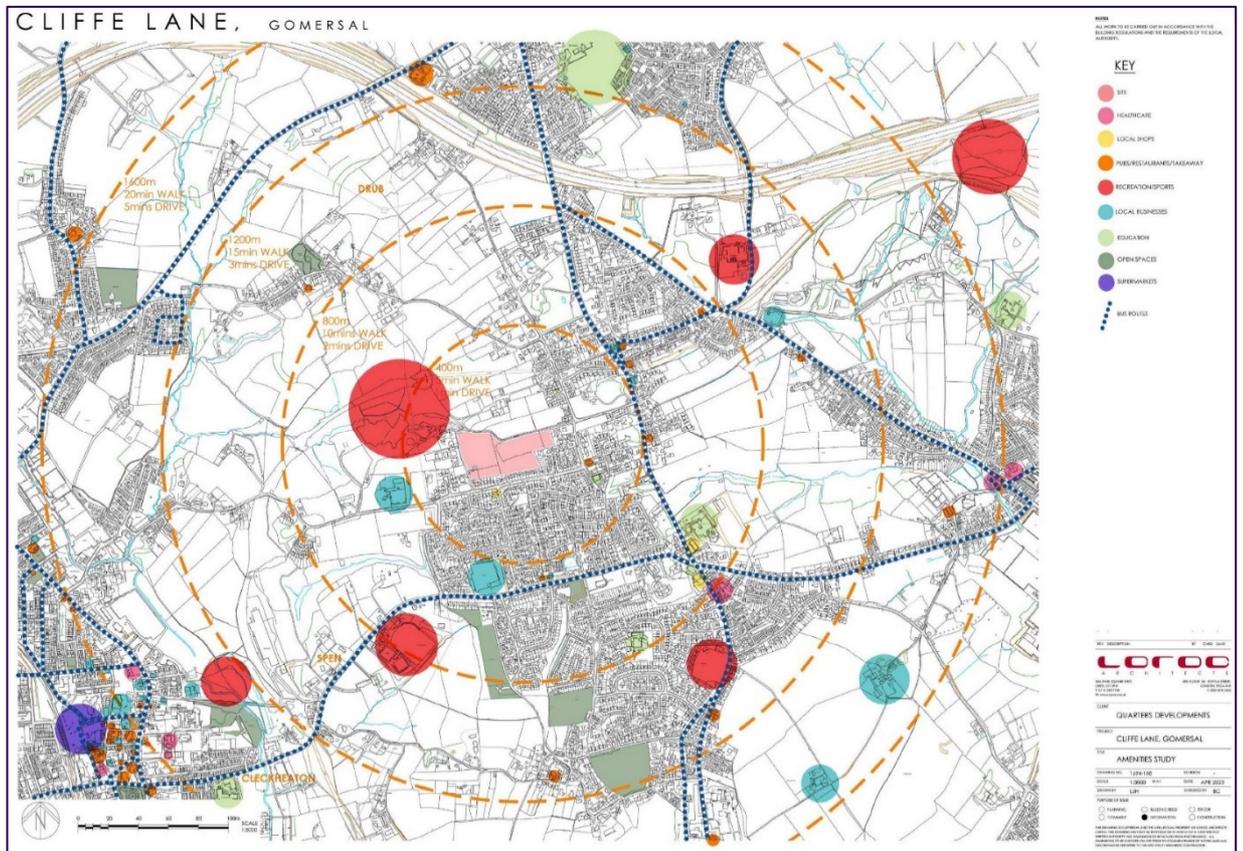


Figure 5: Amenity study taken from the Design and Access Statement

Statutory and Non-Statutory Designations

- 2.7 Gomersal Conservation Area can be found immediately to the northeast of the site (Figure 6), together with the Grade II listed Gomersal Methodist Church, as shown in Figure 7.



Figure 6: Gomersal Conservation Area (Kirklees, 2010)



Figure 7: The site in relation to Grade II Listed “Gomersal Methodist Church” (Pined) Source: Historic England

2.8 Historic land use mapping reveals the presence of a number of shafts associated with previous coal mining activity in the area. The locations of the shafts are identified in the Geo-environmental Study undertaken by JPG Group. Such mining activity has long since been abandoned.

2.9 According to the Environment Agency’s on-line Flood Zone Map the site is located within Flood Zone 1, as shown in Figure 9. The definition of Flood Zone 1 is set out in National Planning Policy Guidance and is defined as land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding (<0.1%).

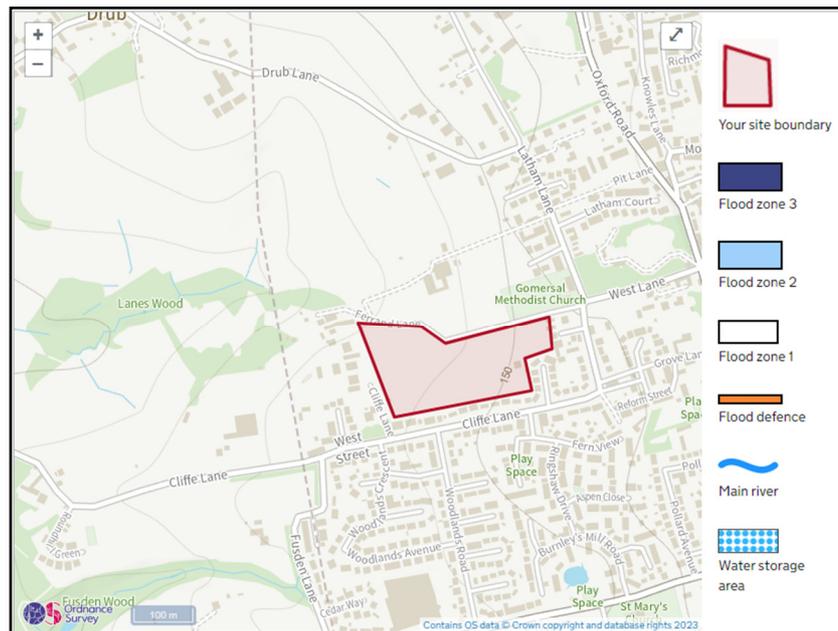


Figure 8: The site in relation to Flood Zone Source: EA Flood Zone Map

Planning History

The Application Site

2.10 A review of Kirklees Council’s public access system has identified two planning applications which relate to the site which is detailed in table 1 below.

Table 1: Planning Applications relating to the site

Application Reference	Description	Decision	Decision Date
Ref: 2019/60/90902/E	Outline application for the demolition of one dwelling and erection	Refused	9 th July 2021

Application Reference	Description	Decision	Decision Date
	of 98 dwellings with consideration for access landscaping and layout		
Ref: 2019/90902	Agricultural notification erection of agricultural building	Approved	15 th November 1993

Summary of application Ref: 2019/60/90902/E

- 2.11 Carter Jonas were Planning Agents for the original outline planning application (reference 2019/60/90902/E) which was submitted on behalf of KCS Development Ltd on 3rd March 2019 for the erection of 92 dwellings on Land at Cliffe Lane. Matters of access, landscaping and layout were considered as part of the outline application.
- 2.12 On 18th August 2019 the description of development was altered to read erection of 98 dwellings on Land at Cliffe Lane. Amendments to the layout and density of the overall development were proposed to address comments raised by consultees and the Planning Officer.
- 2.13 The changes included amending the shared road surfaces, parking provision and inclusion of visitor parking spaces. Amendments to the scheme also included open space provision in connection with the drainage solution, landscaping proposals and mine shaft locations. The application was presented to Planning Committee on 19th December 2019 and approved by Committee members subject to the completion of a Section 106 Agreement. Due to a complex landownership and the number of parties required to sign the Section 106 Agreement during Covid restrictions, there were delays to this process.
- 2.14 On 1st July 2021 the application was re-presented to Planning Committee with a recommendation to refuse the application due to the absence of a completed Section 106 Agreement and subsequently refused. The Applicant subsequently appealed the decision however it was dismissed due to the absence of a completed Section 106 Agreement.
- 2.15 The principle of residential development is therefore established, and it has been demonstrated as part of the outline application that all technical issues can be addressed.

- 2.16 The Design and Access Statement submitted in support of the application highlights the analysis of the outline application and also a technical review of the site.
- 2.17 Having undertaken a detailed technical review of the site, Quarters Gomersal Ltd has determined that the layout presented as part of the outline planning application (ref: 2019/60/90902/) is unviable for the following reasons:
- Due to the gradients of the site (see Survey Dwg. No. 1694-010) , which records a fall across the site of circa 22 metres, a substantial amount of material would be required to alter the levels to accommodate a road design which would be suitable for adoption.
 - The open space would be unusable as it needs to be re-graded to meet existing levels on boundaries which are too steep for general use, as well as remove any possibility of retaining any on-site ecology.
 - If levels are required to be lifted to create useable gardens, this will add additional soil loads to the root systems of existing trees, or if the scheme is worked back to the existing levels in the root protection areas, this will create unusable gardens that are simply too steep to use.
 - There are groups / rows of car parking which are not feasible as the plots would need to be stepped across the site to enable this work with the levels. The layout proposed as part of the outline application would only work if retaining walls were used and there is a stepped approach to the majority of the affected plots. This would have an effect on the appearance of the streetscape.
- 2.18 A plan showing the analysis of the previous scheme (Dwg. No. 1694-011) is included within the pre-application submission and highlights the above issues.
- 2.19 The revised proposal therefore seeks to work with the technical constraints identified and with the existing site contours where possible, to ensure that the design is as close to the existing levels as possible, especially near retained trees. By approaching the site from first principles in this way, the Applicant is able to begin a planning dialogue, confident that the early design work and revised proposal is based upon sound design analysis and principles which, in turn, supports deliverability.

Pre-Application Consultation

- 2.20 A pre-application enquiry was submitted in March 2023 and a meeting with held with Richard Gilbert, Senior Planning Officer and Mark Berry, Highways Officer onsite on 24 April 2023 to discuss the

proposals. Officers expressed support for the proposal in principle subject to the submission of technical information and amendments to the design of the proposed development.

2.21 Section 4.2 of the Design and Access Statement sets out how the proposed development responds to the design relates queries that were raised as part of the pre-application response along with submission of technical information required to support the application.

2.22 In addition to the pre-application enquiry public consultation was undertaken with local residents. Further details are contained within the accompanying Statement of Community Involvement (SCI). Following the public consultation carried out in late May, several changes were made to the scheme, reflecting the five responses raised by local residents. The changes are outlined within the SCI, provided to support this planning application.

3.0 THE PROPOSALS

3.1 This section provides a summary of the proposed development and sets out the design principles. It should be read alongside the submitted suite of drawings and Design and Access Statement prepared by Loroc.

3.2 The description of development proposed, as set out on the accompanied application form, is as follows:

Demolition of existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering works

Layout

3.3 The site layout has been influenced by the site constraints and the technical review. Details of this review are set out within the Design and Access Statement.

3.4 Due to the topography of the site, the proposal is to split the site two main sections via a central retaining wall and creation of suitable building plateaus with no / little imported fill and to then place road and house levels closer to existing levels.

3.5 Driveways have been placed to side elevations where possible, with front gardens between them. This has enabled level adjustment without the need for retaining walls to form parking spaces. Retaining walls are located between plots due to the stepping between plots required to address levels. However, these are set back from the roadside to ensure these are not visible in the streetscape, also enabling soft landscaping to be placed along the proposed highway network.

3.6 With regards to the road hierarchy, an estate road is proposed which includes soft landscaped verges which lead to mews courts and / or accessways and finally into private drives. Roads have been designed to various lengths, shorter rather than longer and undulated (where possible) to help reduce vehicle speeds, as well as add some interest to the house plotting, allowing the house plotting to be slightly staggered and not too linear or along the same building line. This approach helps create various framed focal points within the scheme / at the turning heads, etc, as well as forming semi-private spaces off the main road network, creating clusters of neighbourhoods within the proposals.

Mix

- 3.7 The proposal includes a mix of terraced, semi-detached, and detached houses which will be delivered as follows:

The proposed mix is:

- Two bedroom units - 26 (30%)
- Three bedroom units - 34 (39%)
- Four bedroom units - 27 (31%)

Scale

- 3.8 The proposed houses will be two and three storeys. The proposal has been carefully designed to ensure existing neighbours and the occupants of the new dwellings will feel both comfortable with the scale of development proposed and it is not overbearing. To avoid overshadowing or any overlooking issues the houses to the boundaries are generally two storeys to relate to the adjacent properties and any three storey / split-level houses are located within the centre of the layout, where engineered level changes are formed in the site so existing dwellings are not overshadowed.

Access

- 3.9 Demolition of 271 Cliffe Lane is proposed to facilitate a new access from Cliffe Lane. The proposed access aligns with that approved as part of the outline planning application ref: 2019/60/90902/E.
- 3.10 The existing public right of way to the western boundary will be retained and enhanced. A new access is proposed linking to Ferrand Lane to the northeast corner of the site.

Landscape

- 3.11 Existing landscaping will be reinforced with new planting of the same species or of a suitable / compatible species as part of the new landscaping proposal.
- 3.12 A full set of planning drawings have been submitted which demonstrate the proposed elevations of each house type in addition to the proposed streetscapes.

4.0 PLANNING POLICY CONTEXT

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The 2004 Planning and Compulsory Purchase Act is clear that the Development Plan is the main consideration in the determination of planning applications unless material considerations indicate otherwise.
- 4.2 In the case of this planning application the Development Plan for the site currently consists of the Kirklees Local Plan (adopted February 2017) plus Supplementary Planning Documents. Relevant material considerations include the Government's planning guidance contained in the National Planning Policy Framework.

National Planning Policy Framework

- 4.3 The revised National Planning Policy Framework ('The Framework') published in July 2023 replaces the Framework published on 19 February 2021. Achieving sustainable development remains a key part of the revised Framework with the presumption in favour of sustainable development (paragraph 11) remaining at the heart of the document.

Section 2: Achieving Sustainable Development

- 4.4 Introductory paragraphs for the Framework set out its context. Paragraph 7 informs that the (overarching) purpose of the planning system is to contribute to the achievement of sustainable development and that the policies in paragraphs 18 to 223 should be taken as a whole, as they constitute the Government's view of what sustainable development means in practice.
- 4.5 Paragraph 8 sets out the three interdependent and overarching objectives of sustainable development, which should be pursued in mutually supportive ways to secure net gains across each of the objectives:
- An Economic objective – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- A Social objective – to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An Environmental role – to protect and enhance our natural, built, and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.6 Under the subheading “The Presumption in favour of Sustainable Development”, Paragraph 11 suggests that it is highly desirable for local planning authorities to have an up-to-date plan in place as the starting point for decision making and proposals which accord with the development plan should be approved.

4.7 In respect of decision-taking Paragraph 11 informs:

- c) *“Approving development proposals that accord with an up-to-date Development Plan without delay; or*
- d) *Where there are no relevant Development Plan policies, or the policies which are the most relevant for determining the application are out-of-date, granting permission unless:*
 - i) *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.*

4.8 Paragraph 12 states that the presumption does not change the status of the development plan as the starting point for decision-making. It continues that Local Planning Authorities may take decisions that depart from an up- to-date Development Plan, but only if material considerations in a particular case suggest that the Plan should not be followed.

Sections 3 and 4: Plan Making and Decision making

4.9 Paragraph 38 states that Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development. They should use the full range of planning tools available,

including brownfield registers and permission in principle, and work proactively with Applicants to secure developments that will improve the economic, social, and environmental conditions of the area.

- 4.10 Paragraph 39 advises that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
- 4.11 In determining applications Paragraph 47 reiterates the plan led system confirming that the Framework is a material consideration.
- 4.12 Paragraphs 55 to 57 refer to the use of planning conditions and obligations suggesting that such controls could make otherwise unacceptable development acceptable. Such conditions should only be imposed where they are necessary, relevant to planning, and the development, enforceable, precise, and reasonable in all other respects.

Section 5. Delivering a sufficient supply of homes

- 4.13 Paragraph 60 states that in order to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 4.14 Paragraph 64 states that provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.
- 4.15 Paragraph 68 states that 'strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of: a) specific, deliverable sites for years one to five of the Plan period'.

Section 9: Promoting Sustainable Transport

- 4.16 Paragraph 109 makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Section 12: Achieving well-designed places

- 4.17 A particular emphasis within the current NPPF is requiring high quality design (Chapter 12), with the creation of high-quality buildings and the role this plays in achieving sustainable development (Paragraph 124).

Section 15: Conserving and enhancing the natural environment

- 4.18 Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment by: a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the Development Plan).

Local Policy

Kirklees Local Plan (2019)

- 4.19 The Development Plan for Kirklees Council consists of policies from the Local Plan which sets out the spatial vision and development strategy for the area, adopted at full Council on 27th February 2019.
- 4.20 **LP1 Achieving Sustainable Development:** This policy sets out the fundamental principles that underpin all the other policies in this local plan and which aim to ensure that all development within the district makes a positive contribution towards the sustainability of communities whilst protecting and, where possible, enhancing the quality of the environment.
- 4.21 **LP2 Place Shaping:** This policy sets out that all development proposals should seek address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of the area.

- 4.22 **LP3 Location of new development:** This policy outlines that development proposals will be required to reflect the settlements size and function whilst promoting opportunities for growth and regeneration.
- 4.23 **LP7 Efficient and effective use of land and buildings:** This policy outlines that proposals should encourage the efficient use of previously developed land. It states that new development will be required to achieve a minimum of at least 35 dwellings per hectare.
- 4.24 **LP11 Housing mix and affordability:** This policy sets out that for schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. Considering the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes. The proportion of affordable homes should be 20% of the total units on market housing sites.
- 4.25 **LP21 Highways and access:** The policy sets out that proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network.
- 4.26 **LP22 Parking.** This policy sets out that new developments will incorporate flexibly designed parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance.
- 4.27 **LP24 Design:** This policy states that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and help to create a strong sense of place. All development should have regard to relevant national and local policies, advice or guidance that promotes high quality design, details the quality or character of the area.
- 4.28 **LP27 Flood risk:** This Policy sets out that development proposals will not be permitted where they would have an adverse effect on watercourses or increase the risk of flooding elsewhere. Development will only be permitted where it has an acceptably low risk of being affected by flooding when assessed through sequential testing against the most up-to-date Environment Agency flood risk maps.
- 4.29 **LP32 Landscape :** This policy outlines that proposals should be designed to take into account and seek to enhance the landscape character of the local area.

- 4.30 **LP33 Trees** : This policy notes development should protect and enhance existing trees that have value or contribute to the character and/or setting of a settlement, unless there are clear and demonstrable reasons why removal would aid delivery of a better development.
- 4.31 **LP35 Historic environment**: This policy outlines that all proposals affecting a heritage asset must, where appropriate, enhance elements that have been identified as making a positive contribution to the character of the area.
- 4.32 **LP51 Protection and improvement of local air quality**: This policy requires proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance.
- 4.33 **LP53 Contaminated and unstable land** : This policy requires development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment.
- 4.34 **LP63 New open space** : This policy requires new housing developments to provide open space and recreational facilities, unless the developer clearly demonstrates that it is not financially viable for the development proposal.

Supplementary Planning Documents

- 4.35 In addition to consideration of the NPPF and the Statutory Development Plan, the Council has also produced several Supplementary Planning Documents (SPDs) which, do not form part of the Development Plan themselves, but help to explain the policies in the Local Plan. Those relevant to this planning application are:
- Affordable Housing and Housing Mix SPD
 - Housebuilders Design Guide SPD.
 - Open space SPD

5.0 ASSESSMENT

5.1 This section sets out the various considerations that have contributed to the proposed development of the site for residential development. It reviews the principle of development in the context of Section 38(6) of the Planning and Compulsory Purchase Act 2004 and assesses the proposal in terms of compliance with the Development Plan and other material considerations. A design justification is covered in detail in the Design and Access Statement that forms part of the application submission.

5.2 A number of technical and environment reports accompany the planning application dealing with issues such as Highways, Ecology, Heritage, Flood Risk and Drainage, Landscape and Contamination. Between them, the reports demonstrate that the proposal complies with the relevant provisions of the Framework and the Development Plan.

5.3 It is considered that the principle issues are:

- The principle of development;
- Design;
- Density;
- Housing Mix;
- Affordable Housing; and
- Other Technical Considerations

5.4 Each of these is addressed in turn below.

The Principle of Development

5.5 Section 38 of the Planning and Compulsory Purchase Act states that decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 11 (c) of the Framework (2021) states that “approving development proposals that accord with an up-to-date Development Plan without delay” is a key starting point for local authorities.

5.6 The site is allocated for housing under reference HS116.

- 5.7 It should be noted that the application site constitutes a substantial portion, some 3.6 ha of the 3.87 ha of housing allocation – HS116 ‘Land to the West of Cliffe Mount, Ferrand Lane, Gomersal’ as illustrated in Figure 9 below.
- 5.8 Land to the east is in a third party ownership and is not currently available to the Applicant. Proposals within the current application do not preclude the delivery of this residual area over the plan period which has road frontage onto Ferrand Lane from which to achieve access.

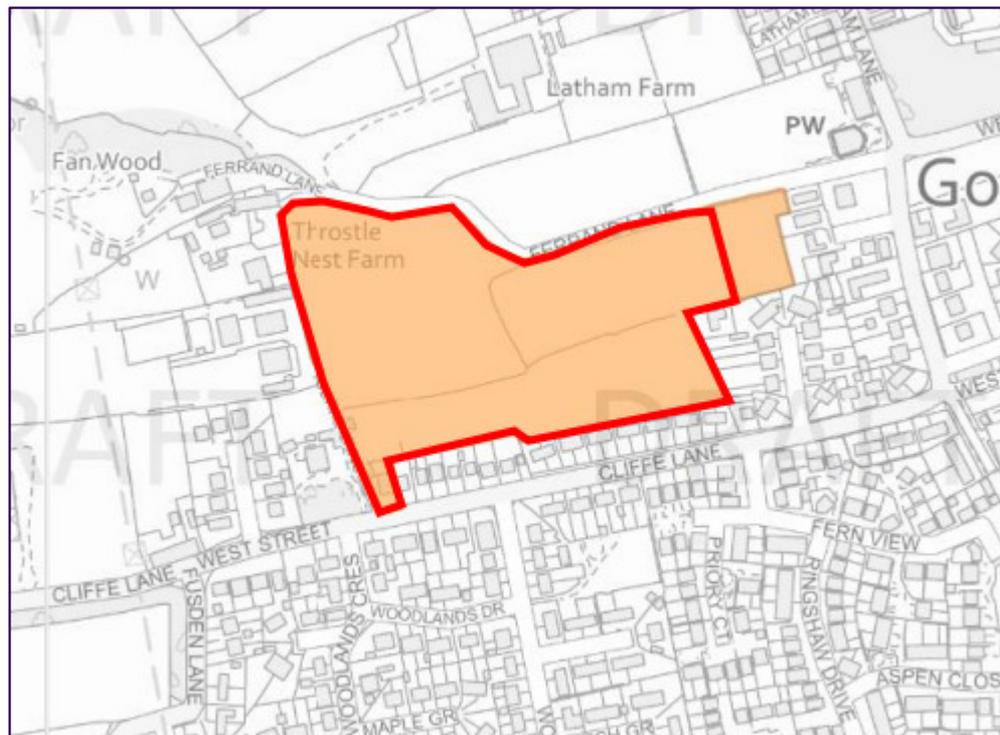


Figure 9: Proposed site boundary overlaid onto site allocation

- 5.9 The principle of development of the site is therefore established subject to the criteria within the policy being satisfied and development management considerations set out within the remainder of this section.
- 5.10 We therefore conclude that the proposed development is in accordance with paragraphs 122 & 123 of the Framework and Policies LP1, LP2 & LP3 of the Kirklees Local Plan.
- 5.11 As demonstrated within the following sections of this assessment and the supporting technical reports, the proposed development accords with the site allocation requirements of HS116.

Design

- 5.12 Paragraphs 126 to 136 (inclusive) of the Framework deal with the requirement for good design. They confirm the importance of achieving high quality design in residential developments and are reflected in Policy LP24.
- 5.13 In accordance with national and local planning policy, the design of the proposed development has regard to the existing built environment and Conservation Area. The accompanying Design and Access Statement provides further commentary on design matters.
- 5.14 As the application does not include the parcel of land within the northeastern area of the site allocation, space to incorporate an access into land has been included within the proposed design. The proposed development is proposed to be accessed from Cliffe Lane. The design and layout of the site has been led by site levels and proposed access point whilst ensuring that the ecological and arboricultural characteristics of the site are maintained and enhanced. The proposed scheme is considered to be appropriate to the surrounding context and also deliverable.
- 5.15 The design and Access Statement details the external palette of materials which are proposed and are considered to be appropriate and complimentary to the surrounding area.

Density

- 5.16 Provisions within HS116 suggest an indicative capacity of 135 dwellings for the entire allocation. However, various technical and environmental reports highlight that this capacity is not achievable. As seen from Figure 9 above, a portion of the H591 allocation to the northeast has not been included in the application due to a difference in ownership. Policy LP7 of the Local Plan requires housing density to ensure efficient use of land, in keeping with the character of the area and the design of the scheme. It goes on to identify that developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings.
- 5.17 As such, the proposals are not strictly in accordance with the Development Plan and paragraph 12 of the Framework is triggered, which suggests that decisions may be taken that depart from up to date Local Plans if material considerations indicate the Plan should not be followed.

5.18 The outline application ref: 2019/60/90902/E for 98 units was accepted by Officers and also by Committee members. The Officer's report for this application highlights that:

"Officers are still satisfied that due to the site's protected trees, mine exclusion zones, topography and the setting of Ferrand Lane would reduce the net developable area to around 3 hectares. Thus, Officers consider that the proposal would deliver a density of around 33 dwellings per hectare. Although, still lower, officers consider that the proposed density is in keeping with the suburban character of the area and the design of the scheme in accordance with policy LP7 of the Local Plan".

5.19 This outline application has established the principle of a lower density being acceptable on this site. As highlighted in section 2 of this report, the Applicant has undertaken a detailed technical review of the site and has determined that the layout presented as part of the outline planning application (ref: 2019/60/90902/) is unviable for the following reasons:

- Due to the gradients of the site (see Survey Dwg. No. 1694-010), which records a fall across the site of circa 22 metres, a substantial amount of material would be required to alter the levels to accommodate a road design which would be suitable for adoption.
- The open space would be unusable as it needs to be re-graded to meet existing levels on boundaries which are too steep for general use, as well as remove any possibility of retaining any on-site ecology.
- If levels are required to be lifted to create useable gardens, this will add additional soil loads to the root systems of existing trees, or if the scheme is worked back to the existing levels in the root protection areas this will create unusable gardens that are simply too steep to use.
- There are groups / rows of car parking which are not feasible as the plots would need to be stepped across the site to enable this work with the levels. The layout proposed as part of the outline application would only work if retaining walls were used and there is a stepped approach to the majority of the affected plots. This would have an effect on the appearance of the streetscape.

5.20 As a result of this technical review and also additional technical studies, the proposed layout included within the application suggests a density of 31 dwellings per hectare. This is a departure from the provisions of policy HS116, however it reflects site specific considerations which have reduced the net developable area. As previously highlighted the outline application ref: 2019/60/90902/E for 98 units is unviable due to the build-up in levels required.

- 5.21 In this case, the proposed layout still constitutes an efficient use of land whilst dealing with matters that require mitigation, in particular topography, drainage, arboriculture and access. Also of note is the onsite provision of 0.7 ha of public open space, designed to maintain the rural setting of Ferrand Lane but consequentially affecting the deliverable capacity of dwellings.
- 5.22 Accompanying technical reports have provided justification for the resulting decrease in scheme density and as a result, this is considered compliant with Local Plan policy LP7. On this basis, the layout reflects the prevailing character of this area of Gomersal and satisfies appropriate residential amenity considerations to provide an attractive environment for future residents whilst maintaining the safety and privacy of existing residents.
- 5.23 We therefore conclude that the proposed layout and scale is in accordance with paragraphs 124-127 of the Framework and Policies LP7, LP11 & LP63 of the Kirklees Local Plan.

Housing Mix

- 5.24 The proposed development will deliver 87 dwellings. The proposed development includes a diverse housing mix to provide homes for a wide demographic in accordance with Policy LP11. As noted at paragraph 3.7 of this Planning Statement, the proposed market housing mix is:
- Two bedroom units - 26 (30%)
 - Three bedroom units - 34 (39%)
 - Four bedroom units - 27 (31%)
- 5.25 The applicant has investigated the potential for apartments within the scheme however due to the levels on site this would result in a poorly designed and unsympathetic scheme, due to the need for bin refuse points and car parking. The apartments were also discounted due to viability. It is noted that the outline planning application (ref: 2019/60/90902/) for 98 units proposed a mix of 27 (28%) two bedrooms, 52 (53%) three bedrooms and 19 (19%) four bedrooms which was deemed to be acceptable by Officers and also Committee members. It is considered that the proposed mix is therefore predominately in accordance with the housing mix set out in Table 1 of the proposed housing mix in the Affordable Housing and Housing Mix SPD and is therefore in accordance with Local Plan policy LP11.

Affordable Housing

- 5.26 Due to the constraints of the site which are highlighted earlier within this report and the Design and Access Statement, a Viability Assessment will be submitted during the application in relation to affordable housing provision. This approach has been agreed as part of the pre-application enquiry.

Other Considerations

Heritage

- 5.27 A Heritage Assessment prepared by Prospect Archaeology, dated June 2023, is submitted in support of the application.
- 5.28 The report considers the effects on the physical fabric and setting of significant historic structures in the vicinity of the proposed development. A map regression exercise and documentary search have provided historical context. In addition, a site visit was made to assess intervisibility and the significance of any views.
- 5.29 Twenty designated assets have been identified within the study area. These relate to Grade II and II* buildings, mostly situated within the Gomersal Conservation Area. The closest of these is the Methodist Church on Ferrand Lane. An undesignated building at Throstle Nest has the potential to have 18th century origins while there is a mid-late 19th century Victorian villa, also undesignated, to the southwest of the site known as Dawson Cliffe.
- 5.30 No designated or undesignated assets or their setting will be significantly impacted by the proposed development.
- 5.31 The proposals are considered in accordance with Policy LP35 of the Kirklees Local Plan however use of complimentary materials and designs would assist in linking any new development to the historic form and style of the village.

Ecology

- 5.32 An Ecological Impact Assessment has been prepared by Smeeden Foreman is and submitted in support of the application.

- 5.33 The site predominantly comprises modified grassland, with areas of mixed and blackthorn scrub primarily situated centrally on site, developed land; sealed surface in association with the residential dwelling and access road to the west of site, introduced shrub in the south-west corner of the site (in the garden of the residential property), ruderal/ephemeral vegetation associated with the western boundary, bare ground to the northeast of site, a pond, a further seven buildings/structures in addition to the residential house, lines of trees bounding sections of the western and northern boundaries, native hedgerows to the east and a native hedgerow associated with a ditch to the northern boundary.

Designated sites

- 5.34 One statutorily designated site lies within 2km of the proposals site; Oakwell Park LNR located 0.7km north-east of site. Habitats within these sites do not complement those within the proposals site and no connective habitat links exist between the sites, primarily roads and residential properties. The proposed development is likely to result in additional footfall at Oakwell Park LNR and LWS and whilst significant negative impact is considered unlikely, mitigation measures can be adopted to minimise the potential impact upon this designated site. The proposals site does not fall within a SSSI Impact Risk Zone (IRZ).
- 5.35 Two non-statutorily designated sites are located within 2km of the site, the closest of which is Oakwell Park LWS located 0.7km northeast of site. However, it is considered that there will be no adverse impact upon these designated sites as a result of the development due to a combination of distance from the proposals site, intervening land uses (roads and built-up areas) and the nature and scale of the proposals.

Habitats

- 5.36 Habitats within the proposals site are generally considered to be of limited/low conservation value, predominantly comprising the areas of modified grassland, the area of bare ground to the northeast corner of site, the ruderal/ephemeral vegetation to the western boundary and areas of developed land; sealed surface. The areas of blackthorn and mixed scrub, the pond and the lines of trees, hedgerows and trees within the site are considered to be of some conservation value, as these provide flight corridors and foraging habitat for bats and suitable habitat for breeding and roosting bird species, amphibians and small mammals such as hedgehogs and other species in general.

5.37 In order to protect habitats of ecological value present and ensure that the proposed development provides enhancement to wildlife, the following surveys and mitigation measures have been recommended:

- Retention of hedgerows and trees, or replacement native planting, and gapping up of existing retain hedgerows, where possible;
- Use of temporary protective demarcation fencing to protect retained trees and hedgerows (with reference to BS5837:2012);
- Use of directional lighting during construction, which will not shine upon the site boundaries, hedgerows or trees within the site;
- Consideration of seeding areas with a suitable wildflower mix in association with hedgerows/tree planting of the proposed public open space in general;
- Implementation of sympathetic lighting across the operational site which minimises illumination of the site boundaries and areas of retained/new planting.

Species

5.38 The potential for the following protected and notable species to be affected by the development has been assessed with potential mitigation and further survey work as follows:

- **Great Crested Newt** – Two GCN records were provided within 2km of the site, one of which is partially connected to the site via hedgerows and woodland, Ponds P3 and P4 also have a partial connection to this record. The majority of the site comprises grazed grassland, considered to be sub-optimal for GCN during their terrestrial phase. Hedgerows and scrub could offer some terrestrial value to GCN and other amphibians. As Pond P1 is considered to offer 'poor' suitability for GCN and the majority of site is considered to be of limited terrestrial value to GCN. Following an eDNA survey undertaken of Pond P1 in June 2023, which returned a negative result for the presence of great crested newts and given terrestrial habitats on site are sub-optimal for this species, and the unsuitability of connected ponds within 500m, it is considered unlikely for this species to be negatively impacted by the development. No further survey for this species is required,
- **Roosting Bats** – confirmed presence of common pipistrelles using 271 Cliffe Lane as a day roost. A Licence from Natural England is required prior to demolition. Mitigation for the loss of roosts to be provided as integral bat boxes within new housing on site, with general site enhancements to include native planting, a sympathetic lighting scheme on site during construction and operation, the retention of linear habitat features (where feasible), native

hedgerow and tree planting, enhanced foraging areas which include species/plant assemblages which are attractive to invertebrates which in turn will provide a foraging resource for bats, and consideration given to the installation of bat boxes/roost features on retained trees on/adjacent to site;

- **Foraging/Commuting Bats** – confirmed foraging and commuting behaviour in association with the northern and western boundary hedgerows and the central hedgerow within site. The northern hedgerow forms part of the Kirklees Wildlife Habitat Network. Primary routes to the northern and western boundary are to be retained maintaining connections with the Habitat Network. Lost foraging habitat to be mitigated for through new, enhanced foraging areas which include species/plant assemblages which are attractive to invertebrates which in turn, will provide a foraging resource for bats;
- **Breeding birds** – Habitats on site including trees and hedgerows provide suitable nesting and foraging opportunities for birds. Any vegetation clearance works will be undertaken outside the breeding season (March – August, inclusive) unless checks by an appropriately qualified Ecologist finds the absence of active nests immediately prior to clearance works commencing. Recommendations to mitigate for loss of vegetation on site and potentially enhance the proposals site include appropriate native species and/or species yielding berries or seeds planting, sympathetic management of existing and newly planted hedgerows should be considered to avoid disturbance of breeding birds, and the installation of a range of bird nesting boxes upon the proposed residences and/or upon the boundary trees suitable for species likely to utilise the site or adjacent areas;
- **Badger and Hedgehog** – Suitable habitats are present on site for these species. No evidence of these species was observed during the site walkover; however, foraging and commuting by both species across the site is possible. Therefore, the use of precautionary working methods for both species during construction to avoid accidental harm or injury is recommended, and a pre-commencement check for badger and general review of site for badger activity during other species surveys, whilst appropriate design of fences/boundary features and the inclusion of hedgehog highways with the scheme is also recommended;

5.39 The development is considered feasible with minimal impact, subject to further survey works on biodiversity, provided that mitigation and enhancement measures detailed within this report are incorporated within the site proposals. The residual ecological impacts are not anticipated to be significant.

5.40 It is therefore considered that the proposal is in accordance with Local Plan Policy LP30.

Biodiversity

5.41 A Biodiversity Net Gain Assessment prepared by Smeeden Foreman is also submitted in support of this application. The report highlights that the units obtained for the site post-development, based on retained habitats and habitat creation included within the landscape proposals (Appendix 02) indicate that a net gain in respect to habitat areas is likely to be achieved with the current scheme, with a potential biodiversity net gain of 2.21 habitat units (+12.49% net change). Potential gains of 1.07 hedgerow units (+27.95% net change) are also considered likely.

5.42 It is therefore considered that the proposal is in accordance with Local Plan Policy LP30.

Trees

5.43 An Arboricultural Impact Assessment prepared by Elliott Consultancy Ltd is submitted in support of the application.

5.44 The proposed layout will necessitate the removal of six individually surveyed trees, six groups of trees and seven hedgerows.

5.45 Two of the individually surveyed trees requiring removal (9 & 32) were classified as Category B. Three individual trees (28, 31 & 36), six groups of trees (3-6, 8 & 9), and seven hedgerows (3, 7-11 & 13) that would need to be removed were classified as Category C. The remaining one tree that would need to be removed (33) was classified as Category U. In addition, it also recommended the removal of Tree 5 due to poor condition and unsuitability to be incorporated within a residential development. The tree and hedge removals will be necessary to enable construction of the proposed houses, internal road and path network and other supporting infrastructure. A great deal of effort has been made by Architects and Engineers to minimise losses of the larger individual trees, with numerous changes made to ensure that proposed structures, drainage infrastructure and ground level changes have as little negative impact as possible. Whilst the loss of the internal hedgerows and groups has been unavoidable, they are all of low quality, Category C, along with three individual trees. The retention of two moderate quality, Category B trees has not been possible. Tree 9 is an early-mature Oak with a basal cavity, whose loss is necessary to ensure that Tree 34, a Category A Oak, is afforded adequate space. Tree 32 is a mature

Ash which would need to be removed due to the mine shaft easements dictating the road position. From an arboricultural perspective the magnitude of impact from the tree and hedgerow losses that would be necessary is deemed to be low/moderate. Post-development tree, hedge and shrub planting will assist with mitigating the impact.

- 5.46 It is therefore considered that the proposal is in accordance with the Local Plan Policy LP33.

Landscaping

- 5.47 An outline landscape masterplan and specification prepared by PWP is submitted in support of the application which demonstrates how the site will be landscaped. An area of POS is proposed within the centre of the site and also along the northern boundary. A LEAP is proposed within the northern area of the POS in accordance with Local Plan Policy LP63.

- 5.48 There has been a sensitive approach to the design and landscaping of the site in order to maintain the agricultural character of Ferrand Lane in line with the site specific considerations set out within the allocation HS116.

- 5.49 It is considered that the proposal is in accordance with Local Plan Policies LP32 and PL63.

Highways and Access

- 5.50 A Transport Assessment and Travel Plan prepared by Sanderson Associates is submitted in support of the application.

- 5.51 A review of road traffic collision data has been undertaken and it is concluded that there are no existing accident trends or cluster locations on the local highway network that are likely to be exacerbated by traffic associated with the proposed development.

- 5.52 The site is accessible by both active travel modes (walking and cycling) and by public transport, with a range of amenities located in proximity of the site which will reduce the need to travel by car. A Travel Plan has also been prepared under separate cover which contains measures to promote sustainable travel behaviours amongst future residents and reduce the number of car-borne trips generated by the development.

- 5.53 The site shall be accessed via a new priority junction onto Cliffe Lane which shall replace the existing vehicle crossover. The junction arrangement is as per the design supported by Highways Officers as part of the 2019 application ref 2019/60/90902/E.
- 5.54 The internal layout has been designed in accordance with Kirklees' adopted Highway Design Guide and includes for enhanced connectivity diagonally through the site with a new pedestrian link to Farrand Lane.
- 5.55 Detailed Traffic Impact Assessments have been conducted at various junctions on the local highway network using the approved 85th percentile trip rates and distribution principles, and for sensitivity, Kirklees 'higher' trip rates. The results of the Traffic Impact Assessments show that the development will have negligible adverse impacts on the operation of the local highway network, and would indeed provide a betterment over the 2019 application which was considered acceptable by the Council.
- 5.56 Overall, it is considered traffic generated from the development would not have a noticeable impact on air quality, an Air Quality Assessment has been provided to reinforce this. The proposals can therefore be considered in accordance with Policies LP21, LP22 & LP51 of the Local Plan.

Contaminated Land and Coal Mining

Contaminated Land

- 5.57 A Geoenvironmental Desk Study Report prepared by JPG is submitted in support of the application.
- 5.58 The report confirms that the site is an area of land comprising agricultural fields which have remained largely undeveloped.
- 5.59 The land is underlain by bedrock strata of the Pennine Lower Coal Measures Formation which comprise a sequence of interbedded sandstone, mudstone and siltstone. Records indicate that former mine shafts are located on or close to the site which will require investigation and treatment works. The site has been subject to shallow mining of coal, which will also require investigation and may require stabilisation works.
- 5.60 The property is not in a Radon Affected Area and no protective measures would be required.

- 5.61 Based on the past history, made ground may be 110 present on site. Based potential pollutant linkages present on the site, the site should be considered to be a moderate risk with respect to contamination. In order to fully assess and classify the risks to human health, any underlying perched groundwater, surface water and buildings/services, a Phase II intrusive investigation, including chemical testing of soils and groundwater and gas monitoring would be required.
- 5.62 Based on the information obtained as part of this desk study, it is concluded that there are no significant constraints to development.
- 5.63 It is recommended that a ground investigation is carried out to confirm and assess the potential environmental and geotechnical constraints to development.

Coal Mining

- 5.64 GeoDyne Geotechnical Environmental Consultants have undertaken a number of reports in relation to potential historical mine workings on the site. Following two letter reports, GeoDyne undertook a phase 2 exploratory investigation and reported on this in their document of 13th July 2020 (Revision 1). The three Geodyne reports, which extend the scope beyond a CMRA are submitted in support of this planning application.
- 5.65 Intrusive works have confirmed the presence of coal workings. GeoDyne advise that stabilisation of the workings is required in addition to treatment of the site's two mineshafts. Having identified the principle of the site specific coal mining risks, further engagement and consultation will be undertaken with the Coal Mining Authority prior to undertaking any works in accordance with the permit subsequently agreed with the Authority.
- 5.66 It is therefore considered that the proposal is in accordance with Local Plan Policy LP53.

Air Quality

- 5.67 An Air Quality Screening and Emissions Assessment prepared by Enzygo, dated July 2023 is submitted in support of the application. The report details a baseline review of air quality, considers potential impacts, and recommends necessary mitigation measures relating to a proposed residential development located at Cliffe Lane, Gomersal, Cleckheaton.

- 5.68 The development has potential to cause impacts at nearby sensitive locations during the construction and operational phases. Impacts could arise due to fugitive dust emissions generated by construction phase activities and road traffic emissions generated during the operational phase. Local emission sources may also expose future site occupiers to poor air quality.
- 5.69 Construction phase impacts were assessed in accordance with the Institute of Air Quality Management methodology to determine risk and identify necessary dust control measures. Assuming the implementation of good practice dust control measures during construction, residual impacts relating to fugitive dust emissions were predicted to be not significant.
- 5.70 Operational impacts associated with vehicles travelling to and from the site were compared against local authority screening criteria developed by the West Yorkshire Low Emissions Strategy Group. Based on the anticipated traffic generation, impacts were predicted to be not significant. Additionally, it was determined that the proposed development is not located close to an area identified by the Local Authority as experiencing elevated pollutant concentrations. As such, exposure and operational impacts were screened as not significant.
- 5.71 Notwithstanding this, a best practice mitigation strategy is recommended in accordance with the requirements of local authority air quality guidance.
- 5.72 In summary, it is predicted that air quality impacts associated with the proposed development are deemed not significant and should not form a constraint to planning consent.
- 5.73 It is therefore considered that the proposal is in accordance with Local Plan Policy LP51.

Noise

- 5.74 A Noise Impact Assessment prepared by ENS Ltd, dated 25 July 2023 is submitted in support of the application.
- 5.75 The ambient noise climate across the application site is associated with distant road traffic noise and is relatively low.
- 5.76 A scheme of sound insulation works been developed to protect the proposed residential development from the ambient noise climate in accordance with the requirements of Kirklees Council's Noise Design

Advice. On this basis, the ambient noise climate is not considered to represent a constraint to the proposed residential development.

- 5.77 Nearby residential dwellings will potentially be subject to impact from construction noise associated with the development of the application site. Construction noise is however temporary in nature. Through a combination of good site practices, location of plant and scheduling/phasing of work, it is considered that the noise impact upon local residents due to construction noise can be reduced to a minimum.
- 5.78 It is therefore considered that the proposal is in accordance with the Local Plan Policy LP47.

Surface Water and Drainage

- 5.79 A Flood Risk Assessment (FRA) prepared by Topping Engineers, dated August 2023 is submitted in support of the application. The Flood Zone Map for Planning prepared by the Environment Agency shows that the site is located entirely within Flood Zone 1 (Low Probability) therefore the site is considered have a low risk of flooding. Flood Zone 1 is defined as land assessed as having a less than 0.1% chance of flooding from rivers.
- 5.80 The FRA report demonstrates that the proposed development could proceed without being at significant risk of flooding. Moreover, the development will not increase the flood risk to the wider catchment area.
- 5.81 The Drainage Strategy prepared by Topping Engineers Dwg. No. 0105, Rev P2 shows how the surface water and foul drainage will be dealt with.

Surface Water

- 5.82 The site is currently greenfield and slopes steeply south to north from the existing residential properties along Cliffe Lane down to Ferrand lane which forms the northern boundary. Yorkshire Water's records show the nearest public sewers is a 225mm Foul sewer in Cliffe lane.
- 5.83 There is a surface water drain running in Ferrand Lane which outfalls into a watercourse adjacent to Fanwood Activity /Scouts Centre. This watercourse connects onto Nan Hall Beck which is a tributary to the River Spen.

- 5.84 NPPF guidelines require that surface water arising from a developed site should as far as practicable be managed in a sustainable manner to mimic the surface water flows arising from the site prior to development.
- 5.85 The national planning policy guidance sets out the hierarchy of drainage to promote the use of sustainable drainage systems. The aim of the hierarchy is to drain surface water run-off as high up the drainage hierarchy as reasonably practical.
1. Into the ground (Infiltration).
 2. A surface water body.
 3. To a surface water sewer.
 4. To a combined sewer.
- 5.86 Consideration has been given to the use of infiltration as a drainage solution. Site Investigations have been carried out on the site previously which included percolation testing. The measured infiltration rate was 9.73×10^{-6} m/s.
- 5.87 This is a low value figure and given the topography of the site there is a risk of any infiltrated water re-emerging out of the banking at the lower parts of the site along the northern boundary.
- 5.88 On this basis it is considered that infiltration is not a suitable means for the disposal of surface water from the site. It is therefore proposed the surface water runoff discharges to the drain in Ferrand Lane which outfalls into the watercourse beyond the activity/scout centre.
- 5.89 The original outline application agreed a discharge rate of 16.1L/sec.
- 5.90 The proposed drainage strategy is therefore based these principals. The proposed flows will be attenuated to 16.1L/sec in a 1in100 year storm with a 40% allowance for the effects of climate change.
- 5.91 This can be achieved using a 171mm diam Hydrobrake Optimum control device and providing underground storage in a cellular tank measuring 46m x 15m on plan x 1.6m deep. See microdrainage calculations.

Foul Drainage

- 5.92 The foul drainage will drain will be pumped up to Yorkshire Waters sewer in Cliffe Lane.

Maintenance

- 5.93 The intention is to have the new foul and surface water drainage networks adopted by Yorkshire Water under a S104 Agreement.
- 5.94 We consider the proposals to adhere to Local Plan Policy LP27 and national policy regarding the prevention of flooding.

S106 /CIL

- 5.95 Kirklees Council currently does not have an adopted CIL Charging Schedule. Requirements for contributions were discussed at the initial pre-application phase, the proposals intend to adhere to contribution guidance from the Council and full contributions are intended subject to viability.

6.0 CONCLUSIONS

6.1 This Planning Statement is submitted in support of a full planning application made by Quarters Gomersal Ltd for

“the demolition of the existing dwelling and erection of 87 dwellings including formation of a new access from Cliffe Lane, landscaping, public open space and all associated infrastructure and engineering operations”.

6.2 Given the site is a housing allocation (HS116) in the Kirklees Local Plan, paragraph 11(c) of the Framework is triggered, where proposals that accord with an up to date Development Plan should be approved without delay. However, the scheme is not wholly compliant with the Local Plan as it does not achieve a density and scale of development consistent with the allocation. In this case, we consider Paragraph 12 relevant, in that local authorities may take decisions which depart from an up-to-date Development Plan where material considerations suggest the Plan should not be followed.

6.3 The proposed site layout included with the application package demonstrates a deliverable way in which the site can be brought forwards, it responds to the site constraints, the Local Plan policy requirements, including improved connectivity and movement within the site and the surrounding area. It also deals with matters set out in the various technical reports which indicate why the scale of development is lower than anticipated compared to the Council's allocations document. It is considered that the scheme reflects the prevailing character of this part of Gomersal and therefore Local Plan policy is satisfied.

6.4 An appropriate Access and Transport Strategy has been designed to support the site, highlighting no overly negative increase in traffic or vehicle movements that the local transport network is unable to accommodate.

6.5 A Drainage Assessment has also shown that the proposed layout is feasible and can be adequately drained without increasing the risk of flooding elsewhere. Alongside this, a landscape plan has shown a net increase in planting that contributes to the biodiversity of the area and maintains the rural setting of Ferrand Lane in line with the Council's allocation requirements.

6.6 Risk to residential amenity from noise or air pollution is not considered an issue in the long term, although issues may arise in the construction phase, however these will be temporary in nature. The Noise Report addresses all noise sources likely to affect the site including commercial activities nearby and road traffic

noise and recommends appropriate measures to minimise noise pollution. The site also provides appropriate opportunities to reinforce and enhance the biodiversity of the area aiding the creation of a natural noise buffers.

- 6.7 A Heritage Assessment has been prepared and clearly indicates development of the site will not cause harm or negatively impact upon heritage assets surrounding the application area, in particular the Conservation Area to the northeast.
- 6.8 A Biodiversity Net Gain Assessment highlights that the units obtained for the site post-development, based on retained habitats and habitat creation included within the landscape indicate that a net gain in respect to habitat areas is likely to be achieved with a potential biodiversity net gain of 2.21 habitat units (+12.49% net change). Potential gains of 1.07 hedgerow units (+27.95% net change) are also considered likely.
- 6.9 Overall, we consider this application demonstrates a deliverable solution for an allocated site. The proposal shows that all issues arising from development have been assessed and mitigation measures have been developed, as a result to make the development acceptable. The proposals are considered to be policy compliant with the Local Plan and the Framework (2021), meeting the objectives of sustainable development by boosting housing supply whilst providing improvements to the environment. Therefore, this application should be approved without delay to assist the Council in their ambitions of supporting development and economic growth in Kirklees.

