# Reserved Matters Planning Compliance Statement

## Mill Lane, Hanging Heaton, Batley

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# Contents


1. Introduction 2
2. Site Location and Context 4
3. Proposed Development 7
4. Planning Policy Context 8
5. Planning Appraisal 13
6. Conclusions 23


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# 1. Introduction

## Purpose of Statement

1.1 This statement accompanies an application for the approval of reserved matters pursuant to outline consent ref. 2020/60/93777/E for the erection of residential development on land east of, Mill Lane, and Heaton Grange, Hanging Heaton, Batley.

1.2 As referenced above, outline planning consent has already been granted at this site. As a result, this statement will seek to assess the submitted details in the context of the adopted development plan and any material considerations relevant to the determination of this reserved matters application, including the National Planning Policy Framework (NPPF).

## Structure of Statement

1.3 This statement is structured as follows:

**Section 2** analyses the context of the site.

**Section 3** sets out the relevant planning policy context.

**Section 4** describes the development proposals.

**Section 5** details the case in support of the development proposals, including consideration of the reserved matters.

**Section 6** draws conclusions on the overall findings of the statement.

# 2. Site Location and Context

## Local Context

2.1 The approximate 0.84 hectare (ha) application site is a previously cleared plot of land that has since scrubbed over with vegetation, with a number of trees present around the perimeter of the site, but particularly along its northern boundary and adjacent Mill Lane at the south west corner of the site.

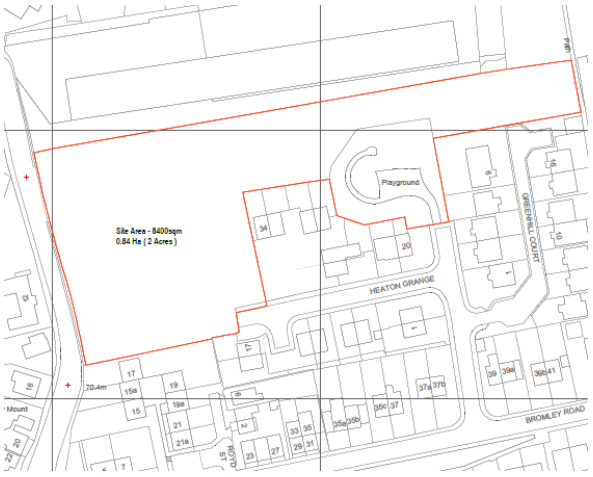


**Figure 2.1: Location plan**

2.2 As noted in the Committee Report for the outline application, the site sits in an elevated position from the existing Heaton Grange residential estate to the south/south east of the site and it is significantly higher than Mill Lane, which abuts the site to the west. The local context is residential to the south, by virtue of the aforementioned estate, and commercial to the north, with units within Batley Business Park located adjacent to the northern site boundary, albeit at a much lower level.

2.3 In terms of access, a vehicular access point into the south west corner of the site is already in place off Heaton Grange, as is a pedestrian access to the existing playground area. It is also understood that a Public Right of Way (PRoW) (ref BAT/37/20) runs along the eastern boundary of the site.

2.4 The site is located approximately 0.5 miles from Batley town centre (an approximate 12-minute walk), which naturally offers a wide range of services and facilities.

2.5 The site is not located within a conservation area, nor does it contain any designated assets, with the closest being the Grade II listed railway viaduct.

## Planning History

2.6 The site has been subject to a number of residential applications over the years, as set out below:

- 2011/60/92202/E - Outline application for residential development (15 dwellings) - approved;
- 2007/62/90376/E1- Erection of 12 no. dwellings with integral garages - refused;
- 2003/62/91325/E1- Erection of 25 dwellings with garages - withdrawn;
- 97/61/90214/E1 - Erection of 16 Dwellings (Phase II) - approval of reserved matters; and
- 95/60/93539/E1 - Outline application for residential development – approved.

2.7 The Committee Report for the outline consent to which this reserved matters submission relates (ref. 2020/60/93777/E) highlighted that the current red line is subject to a historic Section 106 (S.106) Agreement under permission ref. 97/90214, whereby various phases of residential development pursuant to the historic permission have been built, but certain requirements within the permission's attached S106 have neither been complied with nor enforced by the Council. This lack of compliance relates, in respect of the current outline application, to the provision of a landscape buffer zone between the residential area of Heaton Grange and that of Batley Business Park to the north.

2.8 Ultimately, in determining the outline consent to which this reserved matters submission relates, the Council resolved to approve a Deed of Variation to the S.106 Agreement made under planning application ref. 97/61/90214/E1. This allowed for, *inter alia*, the removal of a bond for a landscape buffer and a reduction in the extent of the landscape buffer required, the latter to enable the delivery of the provisional layout submitted as part of the outline application.

# 3. Development Proposals

3.1 As referenced at paragraph 1.1, outline planning consent for residential development has already been approved on the site (ref. 2020/60/93777/E). Under this (outline) consent, all matters except access were reserved for future consideration, and this application seeks approval of all of the reserved matters accordingly; namely, layout, scale, appearance, and landscaping. These will all be considered in section 5.

3.2 As a result, this statement will assess the submitted details in the context of the adopted development plan and any material considerations relevant to the determination of this reserved matters application, including the NPPF.

# 4. Planning Policy Context

4.1 Under the Levelling Up and Regeneration Act (LURA) 2023, Section 38 of the Planning and Compulsory Purchase Act (PCPA) 2004 has been amended as follows:

> *'(5A) For the purposes of any area in England, subsections (5B) and (5C) apply if, for the purposes of any determination to be made under the planning Acts, regard is to be had to—*
>
> *(a) the development plan, and*
>
> *(b) any national development management policies.*
>
> *(5B) Subject to subsections (5) and (5C), the determination must be made in accordance with the development plan and any national development management policies, taken together, unless material considerations strongly indicate otherwise.*
>
> *(5C) If to any extent the development plan conflicts with a national development management policy, the conflict must be resolved in favour of the national development management policy."*

4.2 With no national development management policies in place at present, the development plan remains the main consideration when making planning decisions for the time being. When conflicts with policies arise, decisions should be taken having weighed up all relevant material considerations, making a balanced judgment as to whether these (considerations) warrant a departure from the development plan.

## The Adopted Development Plan

4.3 For the site in question, the development plan in force for the area comprises of:

- The Kirklees Local Plan (Adopted 2019).

4.4 As shown at Figure 4.1, the application site is not subject to any site or area-specific policy designations.

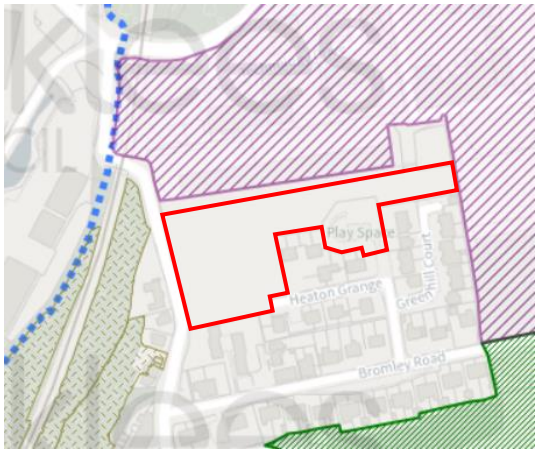


**Figure 4.1: Kirklees Development Plan Policies Map**
N.B Red line added by ELG to show the application site

4.5 As such, the below general development plan policies are those deemed relevant on this occasion, bearing in mind the reserved matters nature of the application (N.B. it is acknowledged that the below list is not necessarily exhaustive of all policies that may be assessed relevant by the Local Planning Authority [LPA]):

- Local Plan Policy LP1: Presumption in favour of sustainable development;
- Local Plan Policy LP2: Place shaping;
- Local Plan Policy LP7: Efficient and effective use of land and buildings;
- Local Plan Policy LP11: Housing mix and affordable housing;
- Local Plan Policy LP21: Highway safety and access;
- Local Plan Policy LP22: Parking;
- Local Plan Policy LP24: Design;
- Local Plan Policy LP30: Biodiversity and geodiversity;
- Local Plan Policy LP32: Landscape; and

- Local Plan Policy LP33: Trees.
- Local Plan Policy LP35: Historic environment.

## Other Material Considerations

National Planning Policy Framework

4.6 Published in September 2023, the revised NPPF sets out the Government's planning policies for England and how these are expected to be applied.

4.7 The NPPF confirms that the purpose of the planning system is to contribute towards the achievement of sustainable development and, in order to achieve this purpose, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) *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;*

b) *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*

*c) an environmental objective – 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.'*

4.8 The NPPF confirms that at its heart is a presumption in favour of sustainable development, which for decision-taking means:

*'c) approving development proposals that accord with the development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- *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*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

4.9 The relevant parts of the NPPF will be highlighted and discussed in this statement when deemed to be necessary.

National Planning Practice Guidance

4.10 National Planning Practice Guidance (NPPG) is a web-based resource that brings together planning guidance on numerous planning topics in one place. It replaces a number of previous Government Circulars relating to planning guidance and process and is also a material consideration in plan-making and decision-taking, notwithstanding its status as guidance only. It is updated from time to time as and when necessary.

Supplementary Planning Documents

4.11 Whilst not part of the development plan, Supplementary Planning Documents (SPDs) are also a material consideration in the determination of planning applications. These do not introduce new policies or requirements but assist in the interpretation and application of existing policies and proposals.

4.12 The following SPDs are deemed relevant in this instance:

- Kirklees Affordable Housing and Housing Mix SPD;
- Kirklees Highways Design Guide SPD;
- Kirklees Open Space SPD; and
- Kirklees Housebuilders Design Guide SPD.

4.13 The following other documents are also considered relevant on this occasion:

- Biodiversity Net Gain Technical Advice Note; and
- Interim Affordable Housing Policy

# 5. Planning Appraisal

5.1 Due to the outline consent in place, the principle of residential development with access has already been established as acceptable. As a result, this section focuses solely on the reserved matters.

## Layout

5.2 The proposed site layout is shown at Figure 5.1.

**Figure 5.1: Proposed site layout**

5.3 On this occasion the proposed layout has been dictated by the following:

- The position of the site access, which was approved under the outline consent;

- The developable, public open space (POS)/noise buffer, and retained trees/steep topography areas, as defined by the outline consent (see Figure 5.2);
- The need to achieve suitable separation distances between all proposed dwellings and also from existing properties;
- The need to achieve a suitable quantum of parking; and
- The provisions of the Kirklees Housebuilders Design Guide SPD.

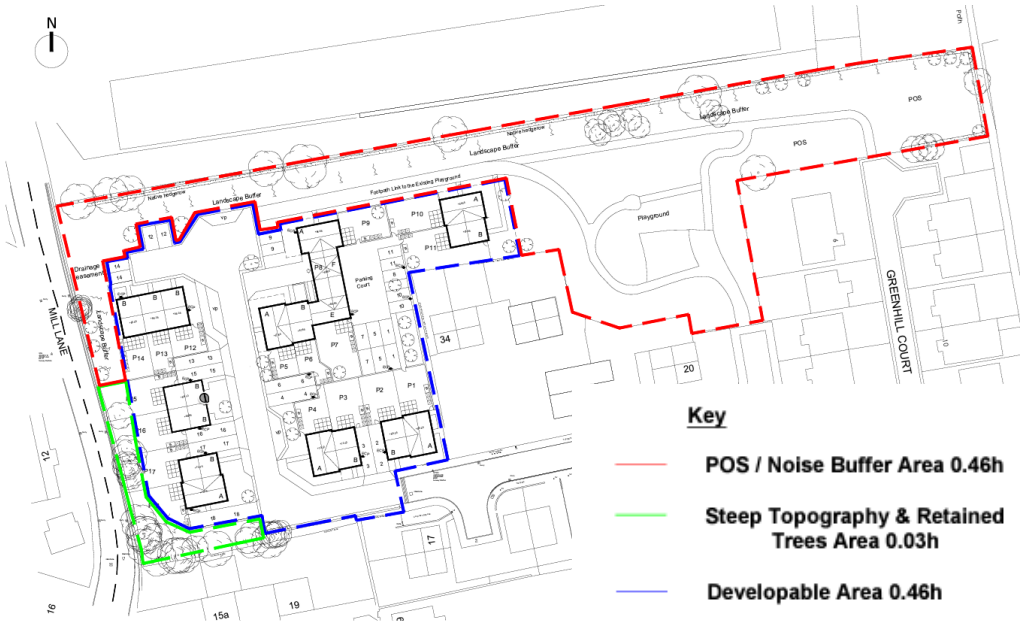


Figure 5.2: Developable areas plan

5.4 As shown at Figure 5.2, the developable area of the site (outlined in blue) is confined to its western half; this is naturally where all the proposed dwellings are focused as a result (see Figure 5.1). In turn, the retained trees/steep topography (outlined in green) and POS/noise buffer areas (outlined in red) will not contain any dwellings, with no development proposed in the former area, and only car parking, a footpath link to the existing playground, and part of the estate road proposed in the latter. Therefore, the proposed layout will fully respect the developable areas plan approved under the outline consent, and in doing so will ensure

the suitable retention of trees, with removals confined to those specimens located within the agreed developable area. The existing features will then be supplemented by additional planting, as appropriate, as confirmed in the landscaping section.

5.5 Crucially, the proposed layout will achieve suitable separation distances between all of the proposed dwellings, as well as from the existing properties on Heaton Grange and Mill Lane /Royd Street to the south, and also provide active frontages throughout the development, with the estate road overlooked by principal elevations.

5.6 As well as achieving the appropriate separation distances, it is considered that the proposed layout will not give rise to any unacceptable overlooking or overbearing impacts. This can be seen by virtue the proposed higher (i.e., three-storey) dwellings will be centrally located within the scheme, as well as through the window-to-gable or gable-to-gable nature of the relationships between the proposed plots closest to existing dwellings, for example:

- Proposed plot 17 and nos. 28 - 34 Heaton Grange (gable-to-window);
- Proposed plot 16 and no. 34 Heaton Grange (window-to-gable);
- Proposed plots 1 and 2, and no. 17 Heaton Grange (window-to-gable); and
- Proposed plot 5 and no. 17 Mill Lane (gable-to-gable).

5.7 For the reasons set out at paragraphs 5.2 - 5.6, the proposed layout is deemed to satisfy the relevant provisions of Local Plan Policies 2, 24, 30, and 33, as well as Principles 5 and 6 of the Housebuilders Design Guide SPD.

## Scale

5.8 The proposed scheme is composed of 19no. dwellings, with the below mix:

- 4no. type Acorn: two-storey, 2-bed small terraced (70 square metres [sq.m]); and
- 4no. type Pecan: two-storey, 3-bed semi-detached (85sq.m);
- 3no. type Hickory: two-storey, 3-bed semi-detached (98sq.m);
- 1no. type Willow: two-storey, 3-bed detached (103sq.m);
- 2no. type Laurel: two-storey, 3-bed detached (109sq.m);
- 4no. type F: three-storey, 3-bed semi-detached (115sq.m); and
- 1no. type Willow (plot 18): two-storey, 3-bed semi-detached (123sq.m).

5.9 As can be seen, the vast majority of properties proposed would be two-storeys in height, which would align with the prevailing scale of residential development nearby. Moreover, it is believed that the proposed scale of development, including the limited number of three-storey dwellings, can be suitably absorbed into the local area, especially in view of the trees to be retained (see paragraph 5.4) and the central positioning of the taller dwellings within the site, with two-storey dwellings to either side. Consequently, the proposals will satisfy Local Plan Policy 24 in relation to scale.

5.10 Although the proposals would not directly align with the market housing mix set out in Table 1 of the Affordable Housing Mix SPD, it is considered that the proposals represent a suitable mix for the local area, bearing in mind the Strategic Housing Market Assessment (SHMA) identifies (at paragraph 8.24) that:

*'A detailed analysis of the current and future profile of households would suggest there*

*are three key dwelling types required across Kirklees: 3 bedroom houses, 4+ bedroom houses and 1-2 bedroom houses in addition to the ongoing development of other property types and sizes'.*

5.11 Paragraph 7.44 of the SHMA also recognises:

*'a strong aspiration from families for houses with either three bedrooms or four or more bedrooms'.*

And

*'Additional family homes (taken as detached or semi-detached properties) are required across all sub-areas.'*

5.12 To confirm, all properties will satisfy the nationally described minimum space standards[1], in accordance with Principle 16 of the Housebuilders Design Guide SPD.

5.13 Turning to density, Local Plan Policy LP7 and Principle 4 of the Housebuilders Design Guide SPD state that net development density is expected to achieve at least 35 dwellings per hectare (dph), where appropriate. In this instance, the developable area is 0.46ha, with 19no. dwellings proposed within it, which equates to a policy compliant density of 41.3dph.

## Appearance

5.14 The proposed house types are shown in elevational form at Figure 5.3 overleaf.

[1] *Technical housing standards nationally described space standard,* Department for Communities and Local Government (March 2015)

Figure 5.3: Proposed elevations

5.15 As can be seen, all dwellings will have a clean and uncomplicated appearance, with feature artstone heads and cills to add some interest to elevations.

5.16 The proposed materials palette is provided at Figure 5.4. These are deemed suitable given the immediate local context demonstrates the use of stone/reconstituted stone, although there is also presence of red, brown, and buff brick, meaning there is not a predominant material type to adhere to (see Photos 5.1 - 5.4 overleaf). The proposals will add to the mix that is already in existence.

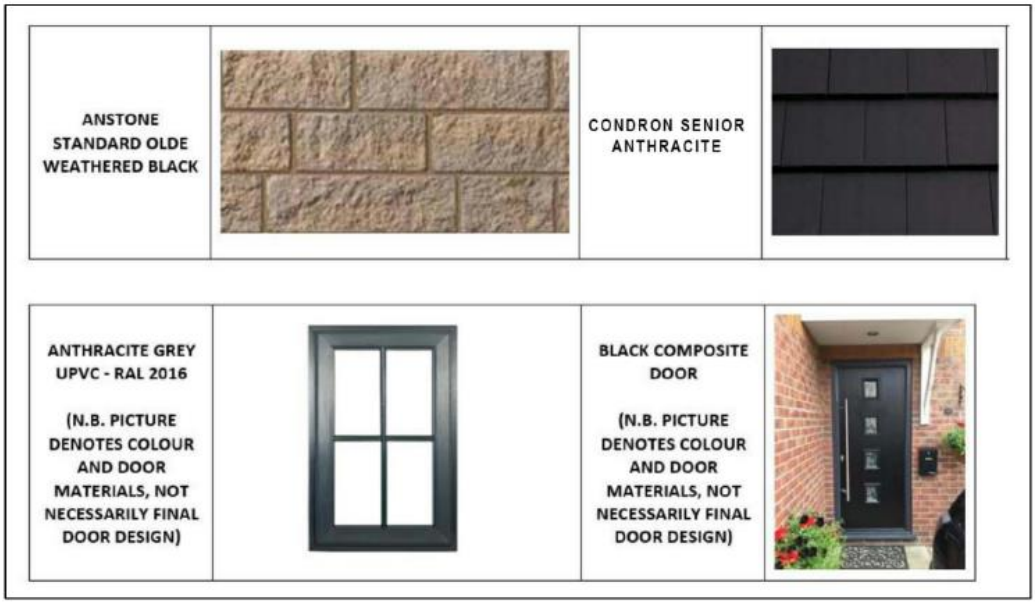


Figure 5.4: Proposed palette of materials

Photos 5.1 - 5.4: Use of various materials in the immediate area

5.17 For the above reasons, the requirements of Local Plan Policy 24 and Principle 13 of the Housebuilders Design Guide SPD are seen to have been met.

## Means of Access

5.18 The vehicular site access was unreserved as part of the outline application, with this shown from Heaton Grange, and this is reflected on the proposed site plan accordingly (see Figure 5.1).

5.19 As is clear from the submitted site plan (see Figure 5.1), the occupants of all the proposed houses will be able to access the local footpath network easily via logical pedestrian routes provided within the site. These include a new link to the existing playground and proposed POS areas to the east of the developable area, with an existing Public Right of Way running along the eastern boundary of the site (BAT/37/10) also.

5.20 All dwellings will have 2no. car parking spaces and there will also be 5no. visitor car parking spaces provided across the site. In terms of electric vehicle parking facilities, details of such are required under outline condition 15 and will be provided in due course accordingly. In a similar vein, a condition could be attached to any reserved matters consent to secure details of cycle storage facilities for those plots that won't benefit from a garage.

5.21 In view of all the above, and the uncomplicated estate road layout - with no more than 3no. properties served off a private drive (i.e., plots 17 - 19) - no conflicts with Local Plan Policy 21 or 22, or the Highways Design Guide SPD, have been identified.

## Landscaping

5.22 Soft landscaping will be provided across the scheme in the form of private gardens for each dwelling, as well as POS along the vast majority of the site's northern boundary and on its eastern half. In addition, and as referenced earlier, the proposed layout will fully respect the developable areas plan approved under the outline consent, and in doing so will ensure the suitable retention of trees, with removals confined to those specimens located within the agreed developable area (see Figure 5.2).

5.23 The proposed layout indicates, notionally, the areas of existing and proposed trees/shrubs, and it is envisaged that the precise details of soft landscaping, including new tree planting, will be secured via outline condition 16. A further condition requiring suitable tree protection measures for existing specimens could be attached to any reserved matters consent also.

5.24 In relation to the hard landscaping and boundary treatments, these are set out at Figure 5.5 (this should be read in conjunction with the proposed site plan at Figure 5.1). Block paving is proposed to both the shared drive and parking spaces to provide some delineation from the adjoining tarmac estate road and help break things up visually to avoid an expanse of a single material. Boundary treatments comprise a mix of close boarded fencing and metal railings, with retaining walls where required. The precise details of the retaining walls will be provided in due course in order to satisfy outline condition 7.

Figure 5.5: Proposed landscaping

5.25 It is assessed that the proposed scheme of hard and soft landscaping will enhance both the natural and built environment. The above aligns with Local Plan Policies 24, 32, and 33, Principle 13 of the Housebuilders Design Guide SPD, and the Open Space SPD.

# 6. Conclusions

6.1 This statement accompanies an application for the approval of reserved matters pursuant to outline consent ref. 2020/60/93777/E for the erection of residential development on land east of, Mill Lane, and Heaton Grange, Hanging Heaton, Batley.

6.2 For the reasons set out at section five of this statement, it is considered that the detailed proposals will satisfy all the reserved matters in a manner that is commensurate with all relevant policies of the development plan and NPPF, as well as supplementary guidance. This is on the basis the proposals have been informed by the constraints and opportunities of the site, and will:

- Be of an appropriate layout that confines the built development to the previously approved developable area;
- Deliver attractive dwellings of a suitable scale and density;
- Not give rise to any unacceptable residential amenity issues for new or existing residents;
- Use suitable materials, both in terms of the dwellings and hard landscaping;
- Be served by an appropriate (already consented) means of vehicular access; and
- Retain the vast majority of existing trees, other than those specimens located within the agreed developable area.

6.3 As a policy compliant form of development, we respectfully request that the LPA resolves to grant reserved matters consent without delay in accordance with the NPPF.