

PLANNING STATEMENT

Land to the northwest of Urban Terrace,
Denby Lane, Grange Moor

[Yorkshire Country Properties](#)

171/003 – Michael Parham

December 2023

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1.0. Introduction

1.1. Broadgrove Planning and Development Limited have been instructed by Yorkshire Country Properties (the applicant) to prepare a Planning Statement to accompany an application seeking full planning permission for the erection of 10 dwellings with associated landscaping and access on a site located at land to the northwest of Urban Terrace, Denby Lane, Grange Moor.

1.2. The Planning Statement details the proposals and addresses relevant issues and material planning considerations as identified in national and local planning policy. The description of development is as follows:

“Erection of 10 no. new residential dwellings with associated access, parking, landscaping, and works to facilitate the development”.

1.3. This statement should be read in conjunction with the following plans and reports which accompany the application:

- Planning application forms and certificates;
- Plans prepared by Farrar Bamforth Architecture;
- Design and Access Statement prepared by Farrar Bamforth Architecture;
- Climate Change Statement;
- Drainage strategy and Flood Risk Assessment;
- Ecological Assessment;
- Geo-environmental Report and Coal Mining Risk Assessment;
- Landscaping Plan;
- Transport Statement;
- Tree Reports and Tree survey.

1.4. All the information necessary to determine the application should be found within these documents.

1.5. This Planning Statement is structured as follows:

- **Chapter 2, Site and Surrounding Area:** explains the site composition, its content, and the local context where it is situated.

- **Chapter 3, Planning History:** outlines the relevant planning applications and appeals previously made on the application site.
- **Chapter 4, Proposed Development:** details the proposed development on site.
- **Chapter 5, Planning Policy Framework:** identifies the current statutory development plan for Kirklees and relevant policies from within.
- **Chapter 6, Material Considerations:** provides local and national material considerations to be balanced in the judgement of any decision.
- **Chapter 7, Planning Assessment:** assesses the proposed development against the considerations outlined in chapters 5 and 6.
- **Chapter 8, Conclusion:** summarises the contents of this Statement.

2.0. Site and Surrounding Context

Site Context

- 2.1. The application site constitutes a parcel of land covering an area of 0.66 hectares north of Denby Lane on the periphery of Grange Moor ('the site') (422349, 416175). The site is bounded by greenfield to the east and north, and the southern and western parts of the site are bounded by roads and residential areas.
- 2.2. The site comprises scrub grassland with small scattered shrubs. The site does not contain any trees protected under a Tree Preservation Order (TPO).
- 2.3. A small access road adjacent to, 1 Denby Lane runs along the rear of the terraces. A public right of way (1.5m wide) runs parallel to the site along the eastern boundary from Denby Lane. There are no other access points to the site.
- 2.4. There are no listed buildings, heritage assets or conservation areas located within or in proximity to the site boundary. The nearest Listed asset to the site is the Grade II The Dumb Steeple – 200 metres southwest of the site. Development at the site is unlikely to impact the Listed asset.
- 2.5. The site falls within the Coal Authority's Development High Risk Area as coal mining features are present at shallow depth at the site. There may be issues with ground stability and mine gases.
- 2.6. Historically, the western parcel of land has been associated with 'Tile Houses' Quarry and the former 'Square Colliery'. The eastern parcel of land has remained largely undeveloped, with the exception of a former sewage works in the centre of the field between c. 1961 and 1999.
- 2.7. A combined sewer and relocated combined sewer run parallel to Denby Road at the south of the site. Another combined sewer runs centrally northwards.
- 2.8. The site falls within Flood Zone 1, according to the Environment Agency's Flood Risk Map, the site is at low risk of flooding. There is a small risk of surface water on the site, which effects the areas beyond the Southwestern boundary of the site.

Surrounding Area

- 2.9. The site is located on the edge of the Grange Moor settlement boundary. Grange Moor is an ex-mining village which now hosts a range of industrial businesses. The village is 10km from Huddersfield and 14km from Wakefield. The estimated population in 2019 was 1,101.
- 2.10. Within a mile of the site there is a local convenience store and shop (0.3 miles), primary school (0.3 miles) and two local pubs (closest 0.6 miles). Nearby village Flockton also offers some services, including a doctor's practice (1.8 miles). Alternatively, Lepton is another nearby village which offers more services, including a pharmacy (2.5 miles) and post office (2.1 miles).
- 2.11. The site is located on Denby Lane, which is one of the main routes of traffic into the village. The site is located near the junction of the A642 Wakefield Road, A637 Barnsley Road and B6118 Liley Lane.
- 2.12. The site is well connected via public transport and has opportunities to reach employment centres in methods which support sustainable modes of travel.
- 2.13. A bus stop is located at Wellfield avenue less than 250m west of the site providing bus services from Grange Moor to Dewsbury, Huddersfield, Middlestown and Wakefield via the 230, 231, and X41 bus services. The closest towns Huddersfield and Wakefield are accessible via bus services at regular intervals within 40 minutes and 50 minutes respectively.
- 2.14. For rail transport the closest station is Dewsbury, which is accessible by the 230 bus in 30 minutes. This railway station provides access to Manchester (40 minutes) and Leeds (20 minutes).

3.0. Planning History

- 3.1. The planning history for the application site and the wider area has been reviewed from the Councils online records.
- 3.2. The site and surrounding area are subject to a limited planning history. There is only one application of relevance to the site, relating to the adjacent field:
- 3.3. **2021/62/94747/E** - Erection of 18 dwellings and associated works. Submitted 24th December 2021. This application was withdrawn.
- 3.4. There were a number of statutory consultation responses for the scheme under reference 2021/62/94747/E. Given the proximity to the site, matters addressed in the consultation responses should be taken into account with a new application at the neighbouring site.
- 3.5. The consultee responses raised issues relating to the highways access at the adjacent site, specifically with it being located less than 45m to the junction at Ben Booth Lane. The application at this site ensures the proposals can be accessed safely, a sufficient distance away from the junction at Ben Booth Lane. The LFFA accepted the previous proposal to discharge surface water to the existing culvert at the eastern boundary at a proposed discharge rate of 3.5l/s. Since the site is allocated for housing, the principle of residential development at the site was not contested during the application.

4.0. Proposal

4.1. Permission is sought for the redevelopment of vacant land to provide 10no. new dwellings in a mix of detached and semi-detached bungalows, including associated parking, access roads and landscaping. Please refer to the proposed site layout (Ref: 22D26-FBA-ZZ-XX-DR-A-0708-P09 - SITE LAYOUT PHASE 1).

4.2. The proposed description of development is as follows:

“Erection of 10 no. new residential dwellings with associated access, parking, landscaping, and works to facilitate the development”.

4.3. The development will facilitate the provision of 23 no. car parking spaces across the site. The parking provision includes 2 no. spaces for each of the 10 new dwellings, as well as an additional 3 no. visitor parking spaces.

4.4. The development proposal includes a new private access road into the site, which will serve plots 4 -10. Plots 1, 2, and 3 will be accessed directly off Denby Lane. The new access road will have a width of 5.5m and be suitable for refuse and emergency service vehicles and will have gates offset by 35m from the junction on to Denby Lane. The new access road can achieve visibility splays of 2.4m x 43m onto Denby Lane in line with Manual for Streets (MfS) guidance. Parking and turning provision will be provided within the site.

4.5. The site will have refuse collection areas provided for all plots which will be located less than 30m away as per Kirklees Council guidelines. Two bin collection points are located on site. One collection point is located towards the east of the site, at the first turning head from Denby Lane. Another collection point is located at the west of the site, at the end of the shared access road to the rear of the residential terraces fronting Denby Lane.

4.6. The site constraints and opportunities have been used to inform this planning application alongside consideration to local and national planning policy and supplementary planning guidance. As a result of this work the submitted scheme is considered to represent a well-designed and attractive development, which will make effective use of this vacant site for the provision of new homes.

4.7. In summary, the proposals include:

- 2no. House Type Bun A – 2-bed, 83.2 sqm

- 3no. House Type Bun C – 3-bed, 129.5 sqm
- 3no. House Type Bun F – 2-bed, 79.5sqm
- 2no. House Type G – 2-bed, 121.4sqm

5.0. Planning Policy Framework

- 5.1. Paragraph 11 of the National Planning Policy Framework requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990), that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

Kirklees Local Plan Strategies and Policies (2019)

- 5.2. As of 2019, Kirklees adopted a statutory development plan (LPSP) that sets out policies required to achieve the strategy alongside development plans and locations. This covers the administrative area of Kirklees Council, excluding the Peak District National Park, for the period of 2013-2031.
- 5.3. The following policies have been identified as relevant to the consideration of the proposed development:
- Policy LP1 – Presumption in favour of sustainable development
 - Policy LP2 – Place Shaping
 - Policy LP3 – Location of new development
 - Policy LP4 – Providing Infrastructure
 - Policy LP5 – Masterplanning sites
 - Policy LP7 – Efficient and effective use of land and buildings
 - Policy LP11 – Housing Mix and Affordable Housing
 - Policy LP20 – Sustainable travel
 - Policy LP21 – Highways and access
 - Policy LP22 – Parking
 - Policy LP23 – Core walking and cycling network
 - Policy LP24 – Design
 - Policy LP27 – Flood risk
 - Policy LP28 – Drainage
 - Policy LP30 – Biodiversity and Geodiversity
 - Policy LP32 – Landscape
 - Policy LP33 – Trees
 - Policy LP52 – Protection and improvement of environmental quality

- Policy LP53 – Contaminated and unstable land

Kirklees Local Plan Allocations and Designations (2019)

- 5.4. Alongside the Kirklees LPSP there is a complimentary allocations and designations plan. Policy LP65 allocates housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with development principles.
- 5.5. Under Policy LP65 of this Allocations and Designations Plan, the site has been allocated for residential use under site reference HS195. The allocation comprises a gross site area of 0.66 (Ha) and has an indicative capacity for 22 dwellings. The key constraints for the site are identified as public sewers crossing the site, potentially contaminated land, within a High Risk Coal Referral Area and mine entrances on the site.

Material considerations

- 5.6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan unless material considerations indicate otherwise.
- 5.7. Key material considerations relevant to the proposed development are set below.

National Planning Policy Framework (NPPF) (2023)

- 5.8. At a national level, planning policy and guidance is contained in the National Planning Policy Framework (NPPF). The updated NPPF (September 2023), sets out the Government's vision for future growth. The NPPF must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 5.9. The NPPF acknowledges that planning policies and decisions should play an active role in guiding development towards sustainable development solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 5.10. Paragraph 8 states that there are three dimensions to sustainable development: economic, social and environmental and, as set out in paragraph 9, these provide broad objectives to be delivered through planning decisions.
- 5.11. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11. This means, inter alia:

“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 most important 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 this Framework taken as a whole.”

- 5.12. Chapter 4 outlines how Local Planning Authorities should approach decisions on proposed developments. It sets out that the approach should be positive and creative and that decision-makers at every level should seek to approve applications for sustainable development where possible.
- 5.13. Paragraph 60 sets the Government’s objective of “significantly boosting the supply of homes”. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The size, type and tenure of housing needed (including affordable) for different groups in the community should be assessed and reflected in planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities.
- 5.14. Paragraph 68 of the NPPF states *“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; and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.”*
- 5.15. Within this context, the NPPF advocates that planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities. Within this context, the NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

- 5.16. Chapter 8 considers the cultivation of healthy and safe communities. Decisions should aim to achieve safe and inclusive places, so crime does not undermine the quality of life. Paragraph 94 encourages local planning authorities should consider social, economic, and environmental benefits of regeneration and use their powers to help deliver regeneration to a high standard.
- 5.17. Chapter 9 “Promoting sustainable transport” states in paragraph 105 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 5.18. Paragraph 111 states “Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.
- 5.19. Chapter 11 advocates the effective use of lands in meeting need for homes and other uses. Paragraph 120 (d) states that planning decisions should “promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively”.
- 5.20. Paragraph 126 states that “The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.”
- 5.21. Paragraph 130 seeks developments that function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history and create places that are safe and inclusive.
- 5.22. Paragraphs 152 – 173 require development to mitigate against the effects of climate change. Development should not result in increasing the likelihood of flooding elsewhere.
- 5.23. Paragraph 167 states “when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment”. Paragraph 169 sets out the requirement for major development applications to incorporate sustainable drainage systems.
- 5.24. Paragraphs 174 – 182 relate to conserving and enhancing the natural environment. Planning policies and decisions should give great weight to the protection of designated sites for conservation. The protection and enhancement of biodiversity and geodiversity should be

considered when forming development proposals and schemes that enhance the natural environment, avoid harm and protect habitats should be supported.

- 5.25. Paragraphs 183 – 188 concern ground conditions and pollution. Planning decisions must also ensure the site is suitable for its proposed use, taking into account the ground conditions and any remediation works required. Paragraph 183 states planning policies and decisions should ensure that:

- a) “A site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
- b) After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and c
- c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.”

Kirklees Council Supplementary Planning Guidance

- 5.26. Supplementary Planning Documents (SPDs) and guidance do not form part of the development plan, but are prepared to provide additional guidance on the application and interpretation of local policies. They are material considerations in the determination of planning applications.

Housebuilders Design Guide SPD (2021)

- 5.27. The Housebuilders Design Guide sets out the Council’s standards for residential design to support the local plan vision for high quality housing. It aims to ensure future housing is socially inclusive and built to high environmental standards. The SPD provides detailed guidance on how to successfully implement policy LP24 ‘Design’ of the Kirklees Local Plan and other relevant Local Plan policies within the context of national planning guidance.

Kirklees Highway Design Guide (2019)

- 5.28. This supplementary planning document aims to promote high standards of highway design in order to reflect nationally recognised best-practice, and facilitate the delivery of high quality residential, employment and mixed-use developments in Kirklees. The SPD is relevant to all aspects of the built environment and helps to encourage good design in terms of how

developments, routes and spaces relate to one another to create streets and public spaces that are safe, accessible, and pleasant to use. The SPD supports a number of the identified policies but is particularly important for Policy LP20 'Sustainable Travel' and Policy LP21 'Highways and access'.

Open Space SPD (2021)

- 5.29. The Open Space SPD provides guidance on the requirements for open space, sports and recreation provision for new residential developments. It provides guidance on the type, amount and location of open space required to serve new housing developments.

6.0. Planning Assessment

6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2. The key planning issues are considered in turn below.

Principle of Development

6.3. Chapter 5 of the NPPF supports the Government's objective of "significantly boosting the supply of homes". Paragraph 74 requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites in order to provide a minimum of five years' worth of housing against the housing requirement set out in their adopted strategic policies.

6.4. Within Kirklees' Local Plan Strategy and Policies, the document sets out the five-year requirement of deliverable housing supply, based on meeting the shortfall in housing completions since 2013, over the remainder of the period to 2031. Including an additional 20% buffer, Kirklees has a total five-year requirement of 12,191. The sub-total of deliverable housing capacity is 14,201, within which Local Plan allocations are expected to make up 10,100 homes, as set out in Appendix 3 Phasing Table.

6.5. In the Local Plan Strategies and Policies, outside the areas of Huddersfield's and Dewsbury, the plan identifies housing needs across the districts various settlements. Grange Moor is identified as needing approximately 65 dwellings. In accordance with the policies of the Local Plan, the proposed development will help meet the objectively identified housing need in Grange Moor and contribute to the housing delivery of the wider district.

6.6. The site is allocated for residential development under Policy LP65 of the Kirklees Local Plan Allocations and Designations document. Under Policy LP65, planning permission will be expected to be granted for allocated sites so long as the proposals accord with the development principles set out in the allocation and other development plan policies. The application site is included under site ID reference HS195 (land to the northwest of, Urban Terrace, Denby Lane, Grange Moor) for an indicative capacity of 22 no. dwellings.

6.7. The site comprises of land previously used as a coal mine. The land currently represents a high-risk site within the residential settlement of Grange Moor with various potential issues relating

to safety and contamination. The proposed development would ensure the vacant land is remediated and safely restored to an appropriate use for residential housing.

- 6.8. The site presents a sustainable location for development. Nearby employment centres in Huddersfield, Wakefield and Dewsbury can be easily accessed from the site via public transport within 40-50 minutes. In accordance with Local Plan Policy LP20 (Sustainable Travel) the site can easily access local services and facilities and is served by alternative modes of public transport. Therefore, the proposals support principles of the spatial development strategy outlined in Kirklees' Local Plan Strategy.
- 6.9. On 14th January 2022, the government published the 2021 Housing Delivery Test results. Kirklees' result for the three years up to 2021 is 87%; above the threshold for passing the test, but below 95% and therefore an Action Plan is required. Within the Kirklees Housing Delivery Test Action Plan (2022), timely development management decisions for the delivery of strategic sites is identified as an approach to overcome the shortfall in delivery.
- 6.10. The NPPF requires the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities. Within this context, the NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.
- 6.11. Due consideration has been given to the technical constraints of the site with regard to drainage, mine shafts, residential amenity and new access and this has informed the proposed layout and density of the development. An indicative capacity of 22 no. dwellings has been assigned to the allocation, however this does not consider the substantial reduction in the developable area.
- 6.12. In accordance with paragraph 68 of the NPPF Local Planning Authorities are required to identify a sufficient supply and mix of sites for housing, with consideration given to their suitability and likely economic viability. Planning policies, such as HS195 of the Local Plan Designations and Allocations should identify specific, deliverable sites for the strategic plan.
- 6.13. The Strategic Housing Market Assessment (SHMA) (2016) identifies a specific need for bungalows within Kirklees. Table 4.9 and 4.10 of the Assessment identifies that 20.1% of people in Kirklees are in favour of bungalows (specifically 11.9% for 1- and 2-bed bungalows, and 7.6% for 3-bed bungalows). Bungalows make up 8.2% of the current housing stock and the report expects 14.7 % of the new dwelling stock to be bungalows.

- 6.14. Bungalows are more land-hungry residential developments, by their very nature. And therefore, to meet the identified need for bungalows in Kirklees, the proposed scheme is able to provide 10 no. new dwellings with due consideration given to the various site constraints and the local character. Density, design, and layout matters are considered in the section to follow. The proposals are considered to make effective use of the site and are therefore in accordance with both local and national policy as set out above.
- 6.15. The neighbouring site is also allocated for housing within Kirklees' Local Plan Allocations and Designations under ID reference HS58 (Land south of Red Deer Park lane, Briestfield, Dewsbury). The site measures 1.22 ha in area and has been provided an indicative capacity of 42 dwellings alongside various provisions and criteria. An application was submitted under reference 2021/62/94747/E but later withdrawn. In the planning history for this site, the principle of development was not contested by Kirklees, and the application was withdrawn following input on the scheme from statutory consultees. There were no reasons relating to ecology, conservation, trees, or flood risk impeding development at the site.
- 6.16. The allocation is identified as a sustainable location for development. In accordance with Paragraph 110 of the NPPF, sites allocated for development should ensure they are in a sustainable location and appropriate opportunities for sustainable transport modes can be pursued. In accordance with the allocation HS195, the site is recognised as a sustainable location for development.
- 6.17. The principle of development at the site for residential use is accepted by Kirklees and the proposals constitute sustainable development in accordance with Policy LP1 (Presumption in Favour of Sustainable Development). The proposed development reflects Kirklees' Spatial Development Strategy in accordance with Policy LP3 (Location of Development).
- 6.18. The proposals will result in high quality homes on an allocated for site for residential housing. The development fulfils an objectively identified need for housing in Grange Moor.
- 6.19. In accordance with paragraph 11 of the NPPF, so long as the proposed development accords with the development principles of the allocation and relevant policies in the Kirklees Local Plan, the application should be approved without delay.

Design and Layout

- 6.20. Please refer to the accompanying architectural drawings and Design and Access Statement prepared by Farrar Bamforth Architecture to support this planning application.

- 6.21. The NPPF sets out that the creation of high-quality buildings is fundamental to planning and development and good design is a key aspect of sustainable development (Paragraph 126). The proposed site layout has been informed through a thorough assessment of the site's opportunities and constraints as set out within this statement and the other documents prepared in support of the application.
- 6.22. Grange Moor is a settlement in the Green Belt. The in terms of character, the area is inherently rural with a predominantly residential character. Beyond the northwestern site boundary, there are areas of grassland, woodland, and farming land characteristic of the Green Belt.
- 6.23. Adjacent to the southwestern site boundary, there is a row of 2 storey terraced houses lining the north side of Denby Lane. To the south of Denby Lane, there are bungalows and two-storey detached and semi-detached dwellings. Grange moor comprises a diverse mix of detached, semi-detached, and terraced houses and bungalows which vary in size, and architectural styles. The palette of materials used in the area resembles the mixed character of housing in Grange Moor. In direct proximity to the site, housing typically features a mix of tan and red brick.
- 6.24. Local Plan Policy LP7 (Efficient and Effective Use of Land and Buildings) advises developments, where appropriate to achieve a net density of 35 dwellings per hectare. Lower densities will only be acceptable if it is demonstrated that it is necessary to ensure the development is compatible with the contexts of the site and its surroundings. The proposed development achieves a density of 15.15 dwellings per hectare and therefore justification is required for this disparity with Policy LP7.
- 6.25. The developable area is limited by the site constraints, including drainage sewers, mine shafts, and their associated easements. Noting the close proximity of adjacent dwellings to the (southwestern site boundary) and public rights of way (eastern site boundary), the new bungalows must also be situated sufficient distance from these neighbouring uses to protect the amenity and privacy of existing and future occupiers. Within the site, a total of 10no. bungalows are proposed (8no. detached properties and 1no. pair of semi-detached).
- 6.26. The bungalows are distributed evenly around the proposed new access road which enters the site from the north side of Denby Lane. The proposed density and separation between the units will ensure the development is cohesive with local character, sympathetic to the setting of the Green Belt, and protects the amenity of existing and new residents. This is considered in accordance with design principles outlined in Local Plan Policy LP24 (Design) of the Local Plan Strategy and Policies. The proposed spacious arrangement carries other benefits by

breaking up the built form and allows spaces between the buildings for soft landscaping, altogether providing a high-quality street scene.

- 6.27. The Housebuilders Design Guide provides supplementary planning guidance for developers to deliver high quality housing in line with Local plan Policy LP24 (Design). This includes meeting the Government's Nationally Described Space Standards (NDSS). The space standards require; two-bed, 4 person, single-storey properties to have a floorspace of 70sqm; three-bed, 6 person, 2-storey properties to have a floorspace of 102sqm, and two-bed 4 person properties 121sqm. All the proposed units would exceed the minimum standards and would meet the needs of the new residents.
- 6.28. The proposed scale of development ensures the site is not overly dominant and is synonymous with the existing built form and character of Grange Moor. The area south of Denby Lane comprises single storey bungalows and directly west of the site comprises 2-storey houses. The proposed scale and density of development allows for sufficient landscaping and is also sympathetic to the setting of the Green Belt. In accordance with Policy LP24 (Design) and Policy LP32 (Landscape), the proposal respects and enhances the form and scale of the existing built environment and local landscape character.
- 6.29. Guidance in Kirklees's Open Space SPD states 'new housing development with a net increase of more than 10 dwellings will normally be expected to provide new or enhanced open space. The site includes areas for public open space, with planting of native species in order to improve the amenity for prospective residents. Please see the accompanying Landscaping strategy for details on the 2no. public open space areas and integration of green infrastructure.
- 6.30. In accordance with paragraph 130 of the NPPF, the proposal will result in a high-quality development which is sympathetic to local character and landscape setting. The layout optimises the site's potential to accommodate and sustain an appropriate quantum of development, including open space and access.
- 6.31. The application submission is accompanied with a Design and Access Statement which discusses design matters in greater detail.

Ecology

- 6.32. The application is submitted along a Preliminary Ecological Appraisal prepared by MAB Environment and Ecology Ltd. The report includes a Phase 1 Habitat survey and incorporates

the adjacent land previously surveyed by another consultant as part of the withdrawn application under reference 2021/62/94747/E.

- 6.33. The report confirms there are no designated protected sites within or in proximity to the application site and the proposed development will not impact any designated sites.
- 6.34. The PEA confirms there were no indication of presence of badger setts, water voles, or freshwater crayfish at the site. There is a negligible risk of great crested newt presence, and it is considered no further surveys are necessary. There may be minor impacts on toad populations if adjacent gardens provide suitable habitat such as micro-ponds. There are no likely impacts anticipated in relation to invertebrates and reptiles.
- 6.35. The survey confirms there is no potential bat roost on site, but the site has potential for use by foraging bats.
- 6.36. In terms of flora, the presence of no protected or notable plant species are identified within the application site.
- 6.37. The site comprises of an area of self-seeded scrub and young self-seeded woodland which has developed on mining spoil of the former quarry. There is also a small amount of privet hedge present. These habitats are considered to be of potential value to nesting birds. These habitats may be impacted as a result of the proposed development. The survey was conducted outside of the nesting season and therefore a breeding bird survey has not been undertaken. The development will inevitably result in the loss of an area of improved grassland which has potential for use by foraging birds.
- 6.38. The recommendations for ecological mitigation and enhancement within the site boundary are set out below:
- All removal of tree, shrubs and stone walls should take place between September and February inclusive, to prevent impact on nesting birds;
 - Stone walling should be retained as much as possible;
 - Impact on hedgehog can be mitigated by including connectivity between gardens and across the boundaries. Also hedges and habitat piles can be included on the boundaries.

- There is little scope for compensatory habitat within the development boundary other than gardens, boundary hedges and communal open space, all of which will be limited. Off-site mitigation may be required to compensate for the loss of scrub woodland as bird nesting habitat, and improved grassland.
- There are opportunities within the development for bird nesting habitat, particularly nesting swifts and house sparrows, which can be integrated into the development. Hedges and drystone walls will benefit nesting birds.
- If public open space is to be included, we recommend creation of small shallow ponds with emergent vegetation – these present no drowning hazards if well-designed, but will immediately attract a range of wildlife and provide rapid enhancement in biodiversity.

6.39. With the appropriate mitigation in place, the proposed development will result in no significant harm to biodiversity at the site in accordance with paragraph 180 of the NPPF and Policy LP30 (Biodiversity and Geodiversity) of the Local Plan Strategies and Policies.

6.40. The planning application is accompanied by a Detailed Landscaping Plan prepared by Rosetta Landscape Design to support the planning submission. The proposed development also includes opportunities for biodiversity enhancement on site.

6.41. In summary the Landscaping Plan proposes the following vegetation areas and replacement planting on site:

- Native Hedge Mix: 36m;
- Single native hedge species: 338m;
- Trees: 15;
- Grass Front gardens: 690m²;
- Grass rear gardens: 2158m²;
- Shrubs: 47.5m²;
- Wildflower: 379m²;

- 6.42. In accordance with Policy LP (Biodiversity and Geodiversity), the proposals have maximised opportunities for biodiversity enhancement on site. The application is submitted with a Biodiversity Net Gain Assessment to support the planning application.

Highways

- 6.43. In accordance with Policy LP21 (Highways and Access) of the Local Plan Strategies and Policies, development proposals should be accompanied by a Transport Statement. The Statement should provide detail on the impacts to highways safety, air quality, noise, and light restrictions. The criteria for the allocation also requires any future application to provide a Transport Statement to support the application.
- 6.44. VIA Solutions have prepared the Transport Statement to accompany this planning application. A Road Safety Audit has been instructed and will be submitted to follow the planning application submission.
- 6.45. The development proposals include a new site access junction provided onto Denby Lane. The new site access will have a width of 5.5m and be suitable for refuse and emergency service vehicles and includes a turning head within the site. The Transport Statement includes details of the vehicle swept path analysis for the proposed development. The internal layout will accommodate service, refuse vehicles and emergency vehicles and all vehicles will be able to enter and leave the site in forward gear. The site will have refuse collection areas provided for all plots and will be located less than 30m away in accordance with Kirklees Council guidelines.
- 6.46. The Statement provides an assessment of the traffic impact as a result of the proposed development. The land is currently unoccupied and therefore has no existing impact. Traffic generated as a result of the proposed development will utilise Denby Lane to access the wider road network, including the A642 Wakefield Road (via Briestfield Road and the B6118) and Junction 38 of the M1 (via the A637).
- 6.47. The Transport Statement considers the traffic generation as a result of the proposed development calculated using trip rates derived from TRICS. The total departures in the am and PM are expected to be 4 trips per hour. The impact of the traffic generated by the proposed development is therefore considered to be negligible.
- 6.48. Car parking provision in Kirklees is to be determined by the availability of public transport, accessibility of the site, location of development, local car ownership and the type of

development. The Highways Design Guide SPD provides an initial point of reference for parking standards in residential development. This sets out that new:

- 2 bed apartments – 1 parking space;
- 2-3 bedroom dwellings – 2 parking spaces;
- 4+ bedroom dwelling – 3 parking spaces;
- 1 visitor space per 4 dwellings.

6.49. The proposed development proposes 2 no. parking spaces per dwelling and a total of 3 no. visitor spaces. The proposal is therefore in accordance with Policy LP22 (Parking) of the Kirklees Local Plan Strategies and Policies document.

6.50. There is no evidence to show the proposed development will have a detrimental impact on highway safety. NPPF Paragraph 111 states, “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.” Given the impact of the proposed on the highway would be minimal, it would not have a severe impact on the operation or safety of the local highways, and therefore the development should be considered acceptable in this respect.

Trees

6.51. In accordance with Local Plan Policy LP33 (Trees), the proposals have considered the trees and hedgerows on the site and in the local area and their contribution of to the amenity of the site. The application is accompanied by a Tree Survey and Arboricultural Impact Assessment undertaken by Iain Tavendale F.Arbor.A. to support the application.

6.52. The site is not located within or in proximity to a conservation area. There are also no trees on site protected under a Tree Preservation Order (TPO).

6.53. The Tree Survey identifies 5 no. Category B trees on site and 1 no. Category B hedgerow. There is also 1 no. Category C hedgerow on site. A row of trees (T1-T5) and a short length of hedging (H1) exist along the western boundary to Stoneroyd. A further section of overgrown hedging (H2) exists outside the site to the eastern half of the northern boundary.

- 6.54. The proposed development results in no further tree loss on site. It is not considered that there will not be any direct or indirect losses of trees/hedgerows on site or impacts upon trees in the local environment.
- 6.55. Some existing trees within the site have been recommended for management to promote their long-term future viability. To ensure their retention recommendations are included within the Tree Survey for basic remedial pruning to improve form and balance, permit grounds maintenance, remove dead wood and general promote health and viability, are recommended regardless of development proposals. Tree Protection Plan has been included to indicate location of tree protection fencing.
- 6.56. As would be reasonably expected, retained trees/hedging have been identified as being at possible risk from indirect impacts but, it has been comprehensively indicated that with appropriate methodologies and site management all such risks can be avoided and no harm will be caused.
- 6.57. An Arboricultural Method Statement has been prepared to ensure that the trees indicated for retention are properly protected throughout the proposed development and continue to represent a visual amenity in the future. The method statement recommends all construction within influencing distance of trees is to BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations. Any pruning works must be to BS3998:2010 Tree Work – Recommendations. Please refer to the accompanying AMS for details of the tree protection methods to be employed on site.
- 6.58. As previously discussed, the planning application is accompanied by a Detailed Landscaping Plan prepared by Rosetta Landscape Design to support the planning submission. The proposed development will result in a net gain in 15 no. trees on site as well as 36m native hedge mix, 338m single native hedge species.
- 6.59. In accordance with paragraph 131 of the NPPF, opportunities have been taken to incorporate trees into the development. It is reasonable to conclude therefore that in relation to arboricultural issues there is likely to be a minor beneficial impact to the existing treescape and its future viability as a result of the proposed development.
- 6.60. Therefore, with respect to trees, the application should be viewed favourably by the LPA.

Contamination

- 6.61. Considering the vulnerability of the end users of the site, and in accordance with the criteria for the allocation, the application is accompanied by a Geo-environmental Report (Phase 1 and 2) prepared by Lithos. In accordance with paragraph 183, the proposed development must ensure the ground conditions have been considered, including any risks arising from land instability or contamination.
- 6.62. The site is identified by the Coal Authority's Development Map as being located within a High Risk Area for coal mining features which may be present at shallow depths at the site. Noting the site's history as a quarry and in accordance with the criteria for the allocation, a Coal Mining Risk Assessment must be provided to accompany any future planning application. Please refer to Appendix B of the Geo-environmental report for the Coal Mining Risk Assessment.
- 6.63. Three mine entries are present on the site and the report advises mitigation against the risk of subsidence associated with shallow mine workings, likely via drilling, grouting, and capping. Areas requiring treatment are shown in drawing 2828/14.
- 6.64. A Gas Risk Assessment has been conducted at the site including gas monitoring installed at 6 boreholes. The generation potential of the gas source was initially considered to be low. Consequently, in accordance with CIRIA Report C665, given the proposed residential end use, 9 visits have been completed over a 6-month period, between October 2022 and May 2023.
- 6.65. Based on the site characterisation discussed in the Assessment, the proposed foundation solution, and with reference to the gas protection "scoring" system outlined in BS8485:2015+A1:2019, Lithos consider that the following protective measures should be incorporated in all new buildings:

Charac. situation (Wilson & Card, '99)	Gas "score" req'd by BS8485	Protective measures (Residential low-rise housing)		
		Floor slab (BS8485 "score")	Sub-floor ventilation (BS8485 "score")	Membrane Type (BS8485 score")
1	0	well constructed ground-bearing or suspended	Not required for ground bearing slab, otherwise to comply with Building Regulations (Part C).	Waterproof DPM

Footnotes:

1. Building Type A is defined in Table 3 and Section 7 of BS8485:2015+A1:2019 as: private ownership with no building management controls on alterations to the internal structure, the use of rooms, the ventilation of rooms or the structural fabric of the building. Examples include private housing and some retail premises

- 6.66. The site is in an area where less than 1% of properties are estimated to be above the action level for Radon. Consequently, radon protection measures are not required.
- 6.67. The testing suggests the topsoil in Area B is suitable for re-use. Within the site, made ground has yielded elevated concentrations of inorganic determinants which are considered

undesirable in residential garden areas. It is recommended to place these soils beneath 600mm thick surface cover of “clean” soil in garden and landscaped areas.

- 6.68. Elevated concentrations of lead, arsenic, copper and TPH were encountered within the Demolition Rubble in TP11. It is recommended that this material should be “chased out” by excavation and disposed of off-site.
- 6.69. The report advises that the site does not require any large-scale remediation works, however, it is strongly recommended that, in advance of the anticipated infrastructure groundworks, the hot-spot of fuel-contaminated soil is delineated, ‘chased-out’ by excavation, and placed in a designated stockpile.
- 6.70. Area A lies c.1-2m higher than Area B, consideration should be given to turnover and compaction of made ground in Area B to enable site levels to be regraded. Clean soil cover could be sourced from Area A.
- 6.71. With regard to building foundations majority of plots in the east of site (Area B) can be founded on traditional strip and trench fill foundations at a minimum depth of 900mm in Cohesive soils and 750mm in Granular Residual Soils. Shallow mine workings are also present in Area B and therefore a layer of B385 mesh will be placed 75mm above the base to provide reinforcement. The report recommends that plots in the west of site (Area A) require piled foundations due to the presence of deep made ground.
- 6.72. Please refer to the accompanying Geo-environmental Appraisal and Ground Investigation Reports for further detail on the ground conditions of the site.
- 6.73. The ground investigation works at the site have demonstrated that no large-scale remediation works are required prior to site development. A suitable condition could be added to any consent requiring the developer to report any unexpected contamination encountered during construction.
- 6.74. The proposed development is considered to be in location which is not at risk of instability or contamination to prospective residential occupiers. Therefore, in accordance with Policy LP53 (Contaminated and Unstable Land), there are no geo-environmental factors to result in refusal of planning permission at the site.

Flood Risk and Drainage

- 6.75. Considering the vulnerability of the end user the development must consider the safety of future occupiers and ensure it does not result in flooding elsewhere. A Flood Risk Assessment has been prepared by RWO Group to support the planning application.
- 6.76. The site is situated entirely within Flood Zone 1, as per the Environment Agency's flood map for planning, which indicates a very low risk of flooding from rivers or sea (less than 1 in 1,000 annual probability). As such, no mitigation measures are recommended for the site.
- 6.77. It is proposed to discharge surface water from the development to the adopted YW surface water sewer in the junction of Denby Lane and Denby park Drive. The sewer discharges to a watercourse circa 35m to the northeast of the application site.
- 6.78. The assessment has reviewed various drainage options with due consideration to the drainage hierarchy. A direct connection cannot be made to the water course due to having to cross third party land. Surface water attenuation is to be provided in the form of an online attenuation tank constructed using crates. The development will be restricted to 3.5 l/s. Surface water attenuation will be required for all storm values up to and including the 100yr + 45 Climate Change.
- 6.79. By ensuring that the discharge rate is restricted there will be no increase in the flood risk to third parties. This will offer an improved position to the catchment downstream by capturing controlling and conveying flows at a controlled discharge rate. The proposed method of discharge and rate (3.5 L/Sec) has been agreed with Kirklees Council.
- 6.80. In accordance with paragraph 167 of the NPPF, development proposals should ensure that they do not increase the risk of flooding elsewhere.
- 6.81. The proposed drainage system will be design in accordance with the requirements of Ofwat and shall ensure:
- No surcharge of pipes occurs in the 1 in 2-year rainfall event;
 - No surface flooding occurs in 1 in 30-year rainfall event;
 - No flooding to buildings and adjacent properties occurs in 1 in 100-year rainfall event with a 45% allowance for climate change.
- 6.82. It is proposed that any flooding for the 100-year event with climate change will be stored on site to protect third part land from overland flows.

- 6.83. Foul water from the site is proposed to be discharged without restriction into the existing public foul water sewer on Denby Lane, located adjacent to the southeast corner of the site. This is in accordance with the Pre-Development Enquiry Response received from Yorkshire Water.
- 6.84. The attenuation tank will be maintained by a management company on behalf of the developer. A maintenance regime and strategy detailing the inspection and maintenance of the tank can be secured through suitably worded planning condition.
- 6.85. During the construction phase surface water will be managed by a series of interceptor drains and sumps, with the attenuation tank being constructed as early as practicable.
- 6.86. In accordance with Policy LP27 (Flood Risk) of the Local Plan Strategies and Policies, the assessment has considered the risk of flooding from all sources. The development will not increase the risk of flooding on site, or elsewhere in accordance with paragraph 167 of the NPPF. In accordance with Policy LP28 (Drainage) it has been demonstrated that the proposed drainage strategy will meet the demand generated by the new development.
- 6.87. There are no reasons in relation to flood risk or drainage for refusal of planning permission at the site.

Sustainability

- 6.88. A Climate Change Statement has been completed by the applicant and submitted to accompany the application.
- 6.89. The proposals will include the following measures to reduce the energy demand associated with the proposed development and maximise opportunities for energy efficiency or renewable/low carbon energy:
- Install Photovoltaic (PV) roofs;
 - Utilise low energy fittings and energy efficient appliances;
 - Will provide 'smart' energy metering, including displays showing the amount and cost of energy consumed;
 - Providing external space for drying washing naturally;
 - Extra insulation of walls, roofs and floors;

- Argon filled low emissivity double glazing or triple glazing;
- High efficiency heating boilers that respond to solar gain and have zone temperature control;
- Installation of Electric Vehicle (EV) Charging Points.

6.90. Developers are expected to follow the waste management hierarchy and incorporate facilities to minimise waste as part of development proposals during demolition, site clearance, construction and when subsequently occupied. The proposed development will use as many locally sourced materials as possible and maximise the use of timber from sustainable Forest Stewardship Council (FSC) sources.

6.91. Permeable paving will be considered for the driveways to control surface water on site and ensure areas of hardstanding are kept to a minimum.

6.92. In accordance with Principle 18 (Energy Efficiency) outlined in the Housebuilders Design Guide SPD, the proposed development will maximise opportunities to contribute towards the Council's ambition to have net zero carbon emissions by 2038. Therefore, the proposed development should be considered favourably by the LPA.

7.0. Conclusion

- 7.1. Yorkshire Country Properties are seeking planning permission for the erection of 10 no. dwellings with associated access, parking, and landscaping north of Denby Lane.
- 7.2. The site is allocated for residential development within Kirklees' Local Plan Allocations and Designations. The principle of residential development at the site is established within Kirklees Local Plan. The application aims to deliver the allocation for an objectively identified housing need. Therefore, the application should be considered favourably by the LPA.
- 7.3. The National Planning Policy Framework establishes the presumption in favour of sustainable development which requires LPA's to approve development proposals that accord with the development plan without delay. The suite of plans and documents provided in support of the application demonstrates that the proposals represent a well-designed scheme which represents an efficient and effective use of this sustainable site in the context of the constraints of the site.
- 7.4. The proposals have been assessed against all relevant national and local planning policy and the site constraints. For the reasons stated in this statement it is requested that the officer appointed to determine this application should look upon this scheme favourably and recommend approval without delay.
- 7.5. Should there be any queries regarding the application submission then please contact Michael Parham (mp@broadgrove.co.uk).