



# planning

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Cliffe Farm, Burn Road, Birchenclyffe  
Planning Statement  
Date: January 2024

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## 1. INTRODUCTION

1.1 This Planning Statement has been prepared on behalf of the applicant, North Park Ltd, to support an application for reserved matters for the proposed development of 26 dwellings at Cliffe Farm, Burn Road, Birchencliffe.

1.2 This Statement describes both proposals and examines the planning issues which they raise. It should be read in conjunction with the following technical drawings submitted in support of the application:

- Location Plan
- Site Layout
- House Type A
- House Type B
- House Type C
- House Type E
- House Types F
- Landscaping Plan
- Proposed Site Sections
- Area Schedule
- 3 Block

1.3 In developing the proposed development, full regard has been given to the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004. As such this Statement seeks to establish the proposed development is in accordance with the statutory Development Plan and other material considerations.

1.4 The remainder of this statement:

- Provides context and describes the site and its surroundings.
- Describes the development proposals.
- Outlines the Development Plan framework and relevant national policy guidance including policy considerations.
- Provides a detailed analysis of the main planning considerations.
- Concludes by summarising the main points raised in this document which we consider support a grant of planning permission.

## **2. DEVELOPMENT CONTEXT**

- 2.1 This section briefly describes the site, its surroundings and local setting, and outlines the relevant planning history of the site.

### **SITE DESCRIPTION**

- 2.2 The application site is a field to the east of Burn Road. The site is level to the north half and slopes steeply downwards to the south. To the south and east of site is existing woodland. A watercourse runs through the southern woodland. To the north of the site are residential development sites that are currently being brought forward. Burn Road connects to Halifax Road to the south of the site and beyond the woodland.
- 2.3 The site is allocated for residential development in the Kirklees Local Plan (adopted February 2019) as part of a wider residential allocation under reference HS35.

### **PLANNING HISTORY**

- 2.4 Outline planning permission was granted in February 2021 for residential development at the application site (application reference 2019/94051). This application established the principle of residential development on the site along with the means of access from Burn Road.
- 2.5 This planning application is brought forward in line with the principles established as part of the outline planning permission. Further consideration of the outline consent is set out in Section 4 of this Statement.

### **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1 This Planning Statement supports an application for reserved matters for 26 dwellings.
- 3.2 The submitted technical drawings demonstrate how the site will be developed including details of scale, layout, floor plans and boundary treatments.
- 3.3 The Proposed Site Layout drawing shows the extent of the proposed development in relation to the nearest roads, surrounding land uses and wider area. Careful thought has been given to ensure that the proposed scheme conforms to the surrounding land uses and respects both wider views of the development and its more immediate surroundings.
- 3.4 The site has been developed following a detailed consideration of the site and local context whilst taking into consideration the national and local requirements for residential developments.
- 3.5 The aim of the scheme is to create a high-quality development that relates, respects and responds to the character of the surrounding area as well as contributing to the requirement for additional housing in Kirklees.
- 3.6 In terms of materials, the proposed scheme will be constructed using a carefully balanced palette of materials to reflect the surrounding area. Final details would be controlled by condition to allow suitable materials to be used within the development.
- 3.7 The Proposed Site Layout drawing shows how the scheme will be brought forward. The proposal consists of 26 dwellings with a new internal road providing access to private drives. Six detached properties will be provided in the site within the remaining properties being pairs of semidetached houses. All properties have private parking and gardens.
- 3.8 A range of house types are proposed, which are shown on the supporting drawings and summarised below:

- 2 no. House Type A – 3-bed detached with detached garage
  - 4 no. House Type B – 4-bed detached with integral garage
  - 8 no. House Type C – 3-bed semi detached & Terraced plots
  - 8 no. House Type D – 3-bed semi detached
  - 4 no. House Type E – 2-bed semi detached
  - 2 no. House Type F – 4-bed detached with detached garage
- 3.9 Access to the site remains in the same location as the outline planning permission and the sole access point will be from Burn Road. Suitable access is provided for all vehicles and a turning head is provided.

## 4. PLANNING POLICY

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, the decision maker must make their determination in accordance with the development plan unless material considerations indicate otherwise.
- 4.2 Given this obligation, this chapter therefore considers national planning policy guidance relevant to the application, which is a material consideration in the determination of this application, as well as reviewing the development plan for the area.

### NATIONAL PLANNING GUIDANCE

- 4.3 An updated National Planning Policy Framework (NPPF) was published in December 2023 and sets out guidance on various that matters that need to be considered when proposing new development.
- 4.4 The NPPF has a clear presumption in favour of sustainable development and outlines that the primary objective of development management is to foster the delivery of sustainable development.
- 4.5 The proposed development is consistent with the NPPF's core planning principles which include providing new housing in appropriate locations. In this instance, the application site has been allocated for housing in the Kirklees Local Plan and is therefore considered to be suitable for development.
- 4.6 Section 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 109 states that, 'Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts of development are severe.' The proposed development would not have a material adverse impact on the road network. There is therefore no justification for refusing the proposed scheme on transport grounds.

- 4.7 Section 10 of the NPPF provides guidance on design. The proposed development has been designed to provide an appropriate scheme for the site and it is considered that the proposed layout and design of the scheme is acceptable.

#### **NATIONAL PLANNING PRACTICE GUIDANCE (NPPG)**

- 4.8 On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource.
- 4.9 The NPPG, in a similar manner to the NPPF, states good design is integral to sustainable development, and is about creating places that work well for everyone whilst looking good, lasting well, and adapting to the needs of future generations. As set out above, the design of the scheme replicates the outline planning application and as such it is considered to remain acceptable.

#### **DEVELOPMENT PLAN**

- 4.10 As outlined earlier Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.11 The Statutory Development Plan for the area comprises the Kirklees Local Plan which was adopted in February 2019. Following the adoption of the Local Plan, the site is allocated as part of a wider residential allocation. As such the proposed development of the site continues to be in accordance with Policy LP1 of the Local Plan.
- 4.12 The principle of development is considered to be acceptable given outline planning permission has previously been granted. However, the description of development for the outline application is "*Outline application of up to 39 dwellings and associated works*". The Officer's Report for the outline application sets out the background to the proposal and the reasoning for the description of development.

- 4.13 In considering the proposal brought forward under this application for reserved matters, it is recognised that the development only provides 26 houses and would therefore not be in accordance with criteria B of Policy LP7 which sets out an expected minimum density for allocated housing sites of 35 dwellings per ha, where appropriate. However, reference should also be given to criteria C of Policy LP7 which states lower densities will be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 4.14 Furthermore paragraph 6.40 states, *“The policy allows for lower densities where a site would not be compatible with its surroundings, applicants should refer to the design policy for further guidance...Site constraints such as gradients may create difficulties achieving the relevant density on sites...”*
- 4.15 Taking the above into account, there is clear evidence that the site is not capable of accommodating 39 dwellings as approved under the outline planning consent. The submitted layout and supporting drawings demonstrate how the steep topography and shape of the site are constraints to delivering a higher number of houses on the site. As such 26 houses is considered to be an appropriate number taking into account relevant amenity considerations as well as addressing other technical matters including highway, landscape and drainage considerations.
- 4.16 Given the above, it is considered that the proposal is in accordance with the requirements of criteria C of Policy LP7 and that the density of housing proposed is acceptable.
- 4.17 Policy LP65 of the Local Plan states that planning permission will be expected to be granted if proposals accord with the remainder of the Development Plan. As such the following policies are relevant to the determination of this planning application.
- 4.18 Policy LP11 (housing mix and affordable housing) states proposals should be of high quality and design and contribute to creating mixed and balanced communities. The proposed development seeks to provide a mix of two, three

and four bed properties with a range of amenity space. As such the proposal meets the requirements of Policy LP11.

- 4.19 A sensitive approach has been taken to provide a sensible housing mix of good design and of an acceptable density that has taken a sensible precaution towards the topography of the level.
- 4.20 Policy LP11 also states that affordable housing provision on new developments should be 20% of the total provision. In this instance this equates to five units. The exact make up of any affordable housing provision can be discussed with the Local Planning Authority during the planning application determination period.
- 4.21 Policy LP21 (highways and access) states new development will normally be permitted where safe and suitable access can be provided and where the residual impact is not severe. As previously stated, the access arrangements remain the same as those approved under the outline planning application. As such they should remain acceptable. Internal roads and private drives have been designed in accordance with general design principles and are also considered to be acceptable and suitable turning provision is made for refuse or other larger vehicles. There will also not be a severe impact on the surrounding highway network. It is therefore considered that the proposal is in accordance with Policy LP21.
- 4.22 Policy LP24 (design) states proposals should promote good design by meeting a number of requirements including ensuring that developments respect the character of the surrounding area and providing suitable amenity space. In this instance, the proposed development has been designed to mitigate any impact on neighbouring properties and reduce the potential for any overlooking or privacy issues. A suitable amount of private amenity space is provided for each property and an area of open space is also provided to be used by all residents. It is therefore considered that the proposal is well designed and meets the relevant requirements of Policy LP24.
- 4.23 In view of the above, it is considered that the proposal is in accordance with the relevant policies of the Kirklees Local Plan.



## **5. SUMMARY AND CONCLUSIONS**

- 5.1 This Statement seeks to address the main elements of the proposed application and to provide an overview of the planning policy framework against which the application will be assessed.
- 5.2 The application site is allocated for residential development in the Kirklees Local Plan and as set out in Section 4 of this Statement is in accordance with other policies within the Local Plan. As such it is considered that the principle of development is acceptable.
- 5.3 The proposal also replicates the indicative proposals considered by the Local Planning Authority as part of the outline planning application.
- 5.4 The proposal will provide a well-designed scheme that provides a suitable mix of housing and will contribute to the overall provision of new housing within Kirklees.
- 5.5 In conclusion this proposal satisfies all relevant national and local policy considerations. In these circumstances, this application should be welcomed by the Local Planning Authority and approval of reserved matters should be granted.