

May 2024

PLANNING
STATEMENT

ERECTION OF 17 DWELLINGS AND
CONVERSION OF DETACHED DWELLING TO
CREATE 6 APARTMENTS AT
CLOUGH HOUSE, 236 LEEDS ROAD, BIRSTALL,
BATLEY, WF17 0HW.

Job 2848

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SECTION 1: INTRODUCTION

1. This statement has been prepared to support a planning application for the refurbishment and conversion of Clough House to flats and the erection of 17 dwellings within the grounds.
2. The application site is a broadly rectangular parcel of garden land of approximately 0.9 hectares containing Grade II listed Clough House, barn and garden wall, as well as other modern ancillary outbuildings within the grounds. The site is bound by Leeds Road to the south, Clough Drive residential estate to the east, Moat Hill Farm Drive housing estate to the west and an open field to the north, beyond which is the Norquest Industrial Estate.
3. The site is set within the established developed area of Howden Clough. It does not form part of a designated conservation area and no part of the site is identified as protected green space. The site is contained within a biodiversity opportunity zone (built-up area), where there is an expectation to avoid, mitigate and compensate for any loss or harm to biodiversity and to seek opportunities to enhance biodiversity value and ecological links. A small section of the proposed core walking and cycling network follows the northern boundary of the site and this aspirational route will not be prejudiced by the development.
4. This Statement sets out the Planning case in support of the proposal. It is kept deliberately succinct, given that the proposal has been the subject of a pre-application enquiry, which has established that it is acceptable in principle.

SECTION 2: BACKGROUND

5. In December 2020 the applicant applied for outline planning permission to demolish the dwelling and for the erection of 30 dwellings (Ref: 2020/94203).
6. Before that, they had applied to the Council for a Section 81 Demolition of Buildings Notice that was issued/approved in May 2020. The Section 81 notice provided what appears to be a comprehensive list of what must be done before demolition takes place with no reference to contacting the planning department.
7. The applicant started to strip out the building in advance of the demolition of the building starting. Once skips were being filled, it is clear that English Heritage were approached about the works and the building was listed on 22 Feb 2021. The applicant was made aware of this and stopped work on site, and subsequently withdrew the planning application in May 2021.
8. Since then, the applicant has attempted to secure planning permission for some type of development in the grounds of the building, but so far, the proposals have been assessed as impacting upon the character/setting of the listed building.
9. Our client is now in the difficult position of having a building that has been stripped out and is uninhabitable. They don't have the funds to refurbish the building, so are left with a building and a site that is a liability and falling further into disrepair and is subject to anti-social behaviour.

10. A pre-application enquiry was submitted in March 2023. This application responds to the findings of the pre-application response from Kirklees.

SECTION 3: PROPOSED DEVELOPMENT

11. The proposed development comprises the refurbishment of Clough house to create 6 apartments. The proposed development also includes the erection of 17 dwellings in and around the grounds of Clough House.
12. Loosely the proposed development can be split in 3 key zones within the site.

Zone 1 – The southern area of the site to the front of Clough House.

13. The southern area of the site has been designed to reflect the character and detailing of the main house. The proposed dwellings in this area are to be bungalows, to minimize the visual impact on the listed building, allowing the main house to remain as the dominant feature when viewed from Leeds Road. The proposed bungalows will feature a parapet wall detail as well as bay windows. All houses to the south will be built from coursed natural stone to replicate the detailing of the main house. The row of bungalows forming plots 2-7 has been set well back from the existing driveway, with each plot having a generous front garden. To the southwest of the site sits a single detached bungalow, which has been positioned in a location which would create the impression of the bungalow being a lodge for the main house. The row of bungalows, plots 2 to 7, has been designed as reflection of the main house. The form of the plots has been designed to replicate an Almshouse. Almshouses are found in a variety of locations, including estates of large country houses. They are often smaller versions of the main houses, or reflections of the local vernacular and detailing, creating compact characterful homes.
14. The position of the houses is set further back from the listed building than the existing adjacent context, ensuring the proposal has no worse impact than the existing context.

Zone 2 – The central area of the site, including Clough House and the Coach House.

15. The central section of the site includes the subdivision of the existing house and barn to create apartments. It is proposed the internal layouts of these will be similar to those originally submitted. This will create 4 apartments within Clough House and 2 within the barn. Each apartment will benefit from parking and a communal shared garden space between the house and barn. The existing listed garden wall will be retained, and forms the boundary between the north and south of the site. There are no external changes proposed to the existing buildings, apart from the demolition of the non-original conservatory and lean-to store on the house.

Zone 3 – The northern area of the site, to the rear of Clough House and the Coach House

16. The northern section of the site is clearly defined due to the built form on site. The garden wall and barns creates a clear physical separation between the front formal section of the house and the more utilitarian rear. The northern section of the site will take access from Moat Hill Farm Drive. The detailing to the rear of the main house and the presence of a barn, and later additional sheds suggests the north section of the site was previously used for horticulture, or grazing land. As such, the proposal has been created to reflect a collection of agricultural outbuildings.
17. These buildings contain features, such as canopies, cat slide roofs and varying materiality to reflect the adhoc nature of development within a typical historic farmstead. These features have been prepared based on a study of surrounding agricultural yards and outbuildings. This varying scale and materiality of this section of the proposal creates a charming yet distinctive contrast to the more formal detailing to the south. The existing built form and topography would screen most of the northern development when viewed from Leeds road which minimises the potential impact on the main house.
18. Further details of the proposals, including indicative massing models and Design and Access Statement, are set out within the application documents and plans.

SECTION 4: PLANNING POLICY

19. The statutory development plan comprises the Kirklees Local Plan that was adopted by Kirklees Council on 27th February 2019.
20. The statutory development plan is the starting point in the consideration of planning applications for the development of use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004)

National Planning Policy Framework (NPPF)

21. The revised NPPF was published in December 2023 and sets out the Government's proposed economic, environmental and planning policies for England.
22. It makes plain that the purpose of the planning system is to contribute to the achievement of 'sustainable development'. It defines three components of 'sustainable development':
- Economic - helping to build a strong, responsive and competitive economy.
 - Social - supporting strong, vibrant and healthy communities.
 - Environmental - protecting and enhancing the natural, built and historic environment.
23. At the outset the Framework sets out in paragraph 2 that planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
24. Paragraph 11 then sets out that plans and decisions should apply a presumption in favour of sustainable development, it continues to explain that for decision-taking this means: ...

- c) approving development proposals that accord with an up-to-date development plan without delay.
25. The NPPF then has chapters referring to specific themes that are relevant to this application.
26. Chapter 5 focuses on Delivering a sufficient supply of homes. It explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. It continues to explain that local planning authorities should support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes;
27. Chapter 9 promotes sustainable transport and seeks to ensure 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”*.
28. Chapter 11 focuses on promoting an effective use of land in meeting the need for homes and other uses, while 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.
29. Chapter 12 sets out the importance of achieving well-designed and beautiful places. It sets out that *“The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”*.
30. The Framework continues by explaining *“that decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming, and distinctive places to live, work and visit;*
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

31. Chapter 14 focuses on Meeting the challenge of climate change, flooding and coastal change. There is a section that focuses on Flood Risk with paragraph 173 explaining that *“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.”* Paragraph 175 then explains that “Major Developments should incorporate sustainable drainage systems unless there is clear evidence.
32. Chapter 15 focuses on conserving and enhancing the natural environment. Paragraph 18 explains that planning policies and decisions should contribute and enhance the natural and local environment by protecting and enhancing sites of biodiversity and by minimising impacts and providing net gains for biodiversity.
33. Chapter 16 focuses on conserving and enhancing the historic environment. The NPPF explains that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
34. Paragraph 200 explains that “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. “
35. Paragraph 205 then explains “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.”
36. Paragraph 208 continues by explaining “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.

Kirklees Local Plan

37. The site is unallocated in the Local Plan. The following policies have been identified as being relevant to this application:
- LP1 – ‘Presumption in favour of sustainable development’ highlights that when considering development proposals, the council will take a positive approach in favour of sustainable development as contained in the NPPF. The policy goes on to encourage a pro-active relationship between the council and the applicant.
 - LP3 – ‘Location of new development’ explains that development should reflect the Spatial Development Strategy, Policy LP1 (above) and LP2 Place

Shaping. It sets out that development should reflect the settlement's size and function and other characteristics.

- LP4 – 'Providing Infrastructure' explains that the Council will work with partners to bring forward the necessary infrastructure in order to deliver the local plan's spatial strategy. It sets out that essential infrastructure that is required to make development acceptable in planning terms must be operational no later than the appropriate phase of development for which it is needed, this will be expected to be shown through phasing plans.
- LP11 – 'Housing Mix and affordability' explains that all proposals should contribute to creating mixed and balanced communities taking regard for the latest housing need evidence. As such all-housing proposals must provide a mix of housing suitable for different household types which reflect the changes in household composition in Kirklees.
- LP20 – 'Sustainable Travel' sets out that new development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. It explains that proposals for new developments shall be designed to encourage sustainable modes of travel and will be required to facilitate the needs of the following user hierarchy:
 - a) Pedestrians
 - b) Cyclists
 - c) Public transport
 - d) Private vehicles
- LP21 – 'Highways and access' explains that proposals should accommodate sustainable modes of transport and be accessed effectively and safely by all users. It sets out that proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.
- LP22 – 'Parking' explains that car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of development, as well as meeting the needs of cyclists for cycle parking and accommodating the needs of disabled people for the parking of vehicles.
- LP24 – 'Design' sets out that proposals should promote good design by ensuring:
 - a) the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;
 - b) they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;

- c) extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;
 - d) high levels of sustainability
 - e) the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;
 - f) the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;
 - g) any new open space is accessible, safe, overlooked and strategically located within the site and well-integrated into wider green infrastructure networks;
 - h) development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;
 - i) the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and
 - j) the provision of public art where appropriate.
- LP27 – ‘Flood Risk’ explains that proposals for development will need to demonstrate that development has been directed to areas at the lowest probability of flooding.
 - LP28 – ‘Drainage’ explains that the presumption is that Sustainable Drainage systems (SuDS) will be used to assist in achieving the following on each... The policy goes on to state that development will only be permitted where it can be demonstrated that the water supply and wastewater infrastructure required is available or can be coordinated to meet the demand generated by the new development.
 - LP35 – ‘Historic Environment’ explains that proposals affecting designated heritage assets should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial Public benefits that clearly outweigh the harm or no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
 - LP63 – ‘New Open Space’ outlines that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal.

SECTION 5: PLANNING POLICY ASSESSMENT

38. An assessment of the proposal is made under a series of self-explanatory sub-headings.

The Planning Principle

39. The site is unallocated in the Kirklees Local Plan. It is in a sustainable location within the urban area. The main consideration for this site is the impact of the proposed development on the setting of a listed building.

40. A number of technical reports accompany this planning application:

Highways

41. A Transport Statement prepared by Paragon Highways accompanies this planning application. It concludes that the site is situated within a sustainable location given its proximity to local bus stops and within acceptable walking distance of the many local services and amenities within Birstall. There are also several schools and rail stations within this catchment. Therefore, the site generally conforms to current Government directives for ensuring developments are in a sustainable location.

42. It also explains that the anticipated level of traffic generated by the proposed development would not be significantly discernible from the daily fluctuations in flows that could be expected on the highway network. The level of traffic generated by the proposals can be accommodated and as such will not significantly add to any congestion at the peak times on the local network.

43. The transport statement concludes explaining that the development is considered acceptable, and that there are no highway safety or efficiency reasons why planning consent for the proposed development should not be granted.

Ecology

44. Brooks Ecology have prepared a Biodiversity Net Gain (BNG) Assessment for the proposed development that accompanies this planning application.

45. The Statutory Metric has been used to calculate the net unit change for the Site, this predicts an overall net loss of 0.95 Habitat Units (-30.57%) and of 1.12 Hedgerow Units (-71.38%).

46. The report concludes explaining that A standard planning condition will be imposed that will require the development to demonstrate (i) a minimum 10% net gain and (ii) that Trading rules have been satisfied. To achieve this **1.75 Habitat Units** and **1.28 Hedgerow Units** will need to be generated within the broad habitats shown in Table 5, with an **1.12 Hedgerow Units** generated from hedgerows of any distinctiveness

47. It continues to explain that These Units will need to be secured through offsetting, with offsite land Registered with Natural England. Once this offsetting has been secured, the Biodiversity Metric will need to be finalised before submission to the LPA.

Heritage Impact

48. A Heritage Impact Assessment prepared by The Urban Glow accompanies this planning application. This explains that the application site exhibits some historic significance mainly through it being an historic Grade II Listed Building dating from 1799.
49. The HIA concludes by explaining this proposal represents a proportionate, justified and well thought out scheme that will protect this important building and preserve it for future generations. The proposals result in some Minor Harm in some areas but this harm is considerably outweighed by the opportunity they present to protect and preserve this important piece of local Birstall history. When added to the Public Benefits therefore or accommodating a mixed model of tenure, protecting and enhancing the frontage of the building through replanting of those trees that were so unfortunately lost, we advance the case that this scheme is proportionate and appropriate for a conditional approval of Planning Permission and Listed Building Consent.
50. A viability appraisal prepared by Dacres Commercial also accompanies this planning application. It explains that they have run several viability studies on the subject property with differing densities and affordable housing contribution. The result of these studies is that a viable redevelopment of the site enabling the refurbishment of the existing listed building is possible, but the pressures of increasing build costs has strained the viability of the scheme. In their opinion, the 23-unit development in full is required to enable the repair and refurbishment of the existing building.

Design

51. A Design and Access Statement accompanies this planning application. It explains how the site has been split into 3 distinctive areas.
52. The southern part of the proposal comprises 6 new bungalows. These bungalows have been designed to be sensitively detailed to match the main house. Their siting has been carefully considered to create minimal impact on the listed building.
53. The central part of the site contains the house, outbuilding and garden wall. All these elements are listed and are to be refurbished as part of the proposal. The house and outbuilding have been designed in a way which maximises amenity whilst reducing harm on the listed building. The garden wall is retained and forms a focal feature within an area of POS on site.

54. The northern section of the development is a new residential development. This has been designed in the style of an agricultural yard with variations in fenestration, style and material use.
55. The scale and quantum of development has been carefully considered to respect the setting and character of the listed buildings.

SECTION 6: CONCLUSION

56. The proposed development would deliver a total of 23 dwellings in a sustainable location within the developed area of Howden Clough / Birstall. It would also secure a viable future for two vacant listed buildings (Clough House and barn), while also incorporating the listed garden wall in its entirety as a landscape feature.
57. The proposal has been the subject of detailed 'pre-application' advice and has been refined through an iterative design process, with particular regard being paid to heritage considerations.
58. There are no planning reasons that should prevent or delay this scheme, which accords with the statutory development plan. It is therefore respectfully requested that the proposals are supported without delay in line with the presumption in favour of sustainable development contained in both the National Planning Policy Framework and the Kirklees Local Plan.