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May 2024



## **Planning Statement**

### **Full Planning Application for the Erection of 20x 3 bedroom Dwellings and 6x 2bedroom quarter houses on Land to the East of Long Lane, Earlsheaton**

On behalf of

Wordsworth Properties

Prepared by

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# 1. Introduction

- 1.1 This Planning Statement incorporating a Statement of Community Involvement has been produced following instructions from Wordsworth Properties to support a full planning application for the development of 20x 3 bedroom Dwellings and 6x 2bedroom quarter houses on Land to the East of Long Lane, Earlsheaton.
- 1.2 This Statement describes the application site, planning history and proposed development, before identifying and examining the policies, opportunities and constraints relevant to the application. In seeking to establish whether the proposals are acceptable, particular regard has been had to the statutory development plan, the National Planning Policy Framework and associated practice guidance provided by the online National Planning Policy Guidance.

## The Application Submission

- 1.3 This full planning application submission is supported by a comprehensive package of plans and technical evidence documents including: -

- Planning Application Forms and Certificates;
- Statutory Application Fee;
- Site Location Plan;
- Site Layout Plan;
- Architectural Floor and Elevations Plans;
- Design and Access Statement;
- Highways Supporting Statement;
- Planning Policy Statement;
- Geo-environmental Report;
- Remediation Strategy;
- Flood Risk and Drainage Assessment;
- Preliminary Ecological Appraisal;
- Tree Survey and Arboricultural Impact Assessment;
- Health Impact Assessment.

## Structure of the Planning Statement

- 1.4 The planning statement is structured as follows:

**Section 1:** provides an introduction to the application site and its context;

**Section 2:** sets out the site description and planning history;

**Section 3:** provides a description of the proposed development;

**Section 4:** sets out relevant national and local planning policies;

**Section 5:** sets out the planning supporting case;

**Section 6:** presents the conclusions and recommendations.

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## 2. Site Description and Planning History

- 2.1 The site is located to the south of Earlsheaton, southeast of Dewsbury. It comprises a paddock to the east of Long Lane, measuring approximately 0.56 hectares in area. The site slopes from north to south and from Long Lane towards Chickenley Beck, which runs along the eastern boundary. An area of woodland lies to the east of the Beck, which forms part of the Kirklees Wildlife Habitat Network. The application site is not within the WHN.
- 2.2 To the north of the site are dwellings located along Woodburn Avenue and Long Lane; to the south is a further residential dwelling and agricultural building, separated from the site by a hedge. A stone wall forms the boundary along Long Lane with a fence and planting along the northern boundary.
- 2.3 The River Calder runs to the west of Long Lane, however is of a sufficient distance for the site to be outside the flood risk area associated with the river. The eastern side of the site, adjacent to the beck, is within flood zone 3. The layout of the dwellings excludes this area from the scheme.

### Planning History

- 2.4 The site benefits from extensive recent history being an expired permission – 2019/93423 which was approved on 23<sup>rd</sup> October 2020. The approved scheme secured permission for 16 3 bedroom dwellings. Moreover, application 2021/94364 was approved on 28<sup>th</sup> September 2022 and remains extant, the site therefore benefits from a current approval for 16x 3 bedroom dwellings.
- 2.5 This application seeks approval for a similar road layout to that approved in 2022, however the proposal seeks to alter the house types and housing mix to create 20x 3 bedroom Dwellings and 6x 2bedroom quarter houses on the site. The changes between the previously approved scheme and that submitted within this application is as a result of a portion of the site no longer being considered at risk of flooding, therefore this land is now proposed to accommodate additional dwellings.
- 2.6 This previously approved application was supported by a full viability assessment which concluded “**that the scheme is unable to viably deliver any level of planning gain on account of the anticipated revenues and high abnormal development costs**”. Despite these findings, the applicant agreed to provide affordable housing as a gesture of goodwill and was secured through a S106 agreement. This application proposes to pro-rata contributions accordingly as per previous calculations.

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### **3. The Proposed Development**

- 3.1 The application proposes the development of 20 dwellings and 6 quarter houses. A mix of dwelling types and sizes is proposed including dwellings of terraced and semi-detached nature, the 6 quarter houses will be created in a single L-shaped block in the broad location of previously approved detached dwellings. Two parking spaces are provided for each dwelling in line with policy requirements.
- 3.2 A single access road is proposed from Long Lane via a new priority T-junction with new footway provision along the site frontage. The road will form a spinal route through the site providing access to private drives. Acceptable visibility can be provided in both directions in accordance with Manual for Streets. Each dwelling will be provided with acceptable parking provision, meeting the required standards. Cycle storage will be provided in secure storage within the curtilage of each plot.
- 3.3 The new houses are of a suitable scale, height and mass within the context of the local built environment and the quarter house block will be reflective of the local scale. Materials will be artificial stone and render with artificial stone and slate roof tiles.
- 3.4 A detailed landscaping scheme is submitted providing details of hard and soft landscaping and planting across the site. This includes retention of the existing planting along the boundaries, additional tree planting and hedgerows along the boundaries and stone walls to provide privacy and define property boundaries.
- 3.5 A number of supporting technical assessments have been undertaken to assess the suitability of the site for residential development which are submitted with the application and detailed in Section 5 of this Statement.

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## 4. Planning Policy Assessment

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions on planning applications must be made in accordance with the statutory development plan unless material considerations indicate otherwise.
- 4.2 Within Kirklees, the development plan comprises:
- Kirklees Local Plan, adopted February 2019, comprising the Local Plan Strategy and Policies Document and the Allocations and Designations Document.

### Statutory Development Plan Policies

- 4.3 The application site is identified as a housing allocation, reference HS45 '*Land to the east of Long Lane, Earlsheaton, Dewsbury*', in the Allocations and Designations Document. The site is noted as having an indicative capacity of 15 dwellings and the following constraints:
- The provision of a pedestrian footway is required across the site frontage;
  - Part of the site is within flood zone 3 and should be removed from the developable area;
  - A combined sewer crosses the site;
  - There is a culverted watercourse in the vicinity;
  - Potentially contaminated land;
  - Part of the site lies within a UK BAP priority habitat and should be removed from the developable area;
  - Part of the site is within a coal referral area.
- 4.4 The most relevant policies from the adopted Local Plan are considered to be:
- 4.5 **Policy LP1: Presumption in favour of sustainable development** sets out the presumption in favour of sustainable development set out in the NPPF. Proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 4.6 **Spatial Development Strategy** advises that policies and proposals in the local plan have been developed around a spatial development strategy. The delivery of a minimum of 31,140 new dwellings between 2013 and 2031 (1730 dwellings per annum) is achieved. The application site forms part of this growth.
- 4.7 **Policy LP3: Location of new development** sets out a list of locational criteria to support the delivery of housing and employment growth. The need to maintain a supply of specific deliverable sites and enabling the delivery of allocations set out in the local plan forms part of the policy.
- 4.8 **Policy LP7: Efficient and effective use of land and buildings** advises that developments should achieve a net density of at least 35 dwellings per hectare where appropriate. The proposal achieves a density of 46 dwellings per hectare however given the site constraints this is considered to be acceptable.
- 4.9 **Policy LP11: Housing mix and affordable housing** aims for sites of 0.4ha or more in size and of more than 10 dwellings to provide a broad mix of housing size and

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- tenure. Developments of more than 10 dwellings should also provide 20% affordable housing subject to viability.
- 4.10 **Policy LP20: Sustainable travel** supports reducing the need to travel and using sustainable transport other than the private car. As an allocation it is confirmed that the site lies in a sustainable location.
- 4.11 **Policy LP21: Highway safety and access** advises that new development should demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. New development will normally be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts of the development are not severe. The proposal meets these requirements, as confirmed by the Highways Supporting Statement.
- 4.12 **Policy LP22: Parking** sets out principles for parking. The Highways Supporting Statement sets out the proposed parking provision, providing sufficient spaces for private cars and visitors.
- 4.13 **Policy LP24: Design** promotes good design through compliance with a range of design principles. The Design and Access Statement explains how the proposal meets these principles.
- 4.14 **Policy LP27: Flood risk** sets out the Council's policy for dealing with flood risk. The eastern area of the site lies within Flood Zone 3 therefore a detailed Flood Risk Assessment has been undertaken to ensure the proposal is acceptable in this regard.
- 4.15 **Policy LP28: Drainage** covers drainage with a presumption that Sustainable Drainage Systems will be used to assist in achieving acceptable drainage for new development.
- 4.16 **Policy LP30: Biodiversity & Geodiversity** seeks to protect and enhance designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.
- 4.17 **Policy LP32: Landscape** sets out a number of landscape principles new development proposals should take into account.
- 4.18 **Policy LP33: Trees** advises that planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity. Proposals should normally retain valuable or important trees.
- 4.19 **Policy LP38: Minerals Safeguarding** requires new development to consider minerals in a Mineral Safeguarded Area.
- 4.20 **Policy LP47: Healthy, Active and Safe Lifestyles** requires proposals for development to consider health impacts. A Health Impact Assessment is submitted in relation to this policy.
- 4.21 **Policy LP63: New open space** advises that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, dependent upon viability.

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## National Planning Policy

- 4.22 The National Planning Policy Framework was revised in December 2023 and sets out the government’s planning policies for England and how these are expected to be applied. The NPPF replaces the majority of all previous national guidance. The NPPF is a material consideration in the determination of planning applications.
- 4.23 The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 sets out the three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. These are:
- An Economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - A Social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
  - An Environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 4.24 Paragraph 9 confirms that: ***Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.***
- 4.25 Paragraph 11 sets out the presumption in favour of sustainable development. In relation to decision taking this means:
- “c) approving development proposals that accord with the development plan without delay; or***
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:***
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>6</sup>; or***
  - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”***
- 4.26 Section 5 covers housing and paragraph 60 advises that to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient

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amount and variety of land can come forward where it is needed. The application site will help contribute towards the provision of much needed housing in the district.

- 4.27 Paragraph 131 states 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.**
- 4.28 Paragraph 135 states 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**
- 4.29 Section 14 covers climate change, flooding and coastal change. Paragraph 165 of the NPPF confirms that development should be directed to areas with the lowest probability of flooding. The eastern part of the site lies within Flood Zone 3 with the remainder of the site lying within Flood Zone 1. Development will only take place within Flood Zone 1, with Flood Zone 3 being excluded from the developable area. Flood risk on site has been assessed in detail and a drainage strategy produced which are both submitted with the application. The layout and FRA were accepted as part of the previous approval on site.
- 4.30 Finally, the NPPF states (Paragraph 225) that **“existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)”**.

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## 5. The Planning Case

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to accord with the Statutory Development Plan and advises: -

***“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.”***

5.2 As set out in the previous section, the statutory development plan comprises the recently adopted Local Plan Documents: the Strategy and Policies Document and the Allocations and Designations Document.

### ***Principle of Development***

5.3 The application site is identified as a housing allocation in the adopted Local Plan under reference HS45.

5.4 The site allocation identifies the following requirements for the site:

- The provision of a pedestrian footway across the site frontage;
- Removal of the area within flood zone 3 from the developable area;
- Consideration of the Kirklees Wildlife Habitat Network on the opposite side of Chickenley Beck.

5.5 The submitted application includes these requirements. The principle of housing development on the site is therefore acceptable. Design and landscaping considerations are set out within the submitted Design and Access Statement, which confirm that the proposal meets requirements in this regard.

5.6 Furthermore, the layout of the proposed scheme similar to that approved within the extant application, albeit with additional units and altered housing mix. Clearly given the site allocation and application history the principle of development is established.

### **Technical Considerations**

#### **Affordable Housing**

5.7 Policy LP11 of the Publication Draft Local Plan requires developers of schemes of more than 10 new dwellings to provide 20% of the new dwellings as affordable homes where this is viable. The previous application was supported by a viability assessment which concluded **“that the scheme is unable to viably deliver any level of planning gain on account of the anticipated revenues and high abnormal development costs”**. Affordable Housing was provided within the approved scheme and it is proposed to provide a pro-rata quantum within this submission.

#### **Residential Amenity**

5.8 Sufficient separation distances between the proposed and existing dwellings outside the boundaries of the site is provided taking into account the topographical changes across the site.

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- 5.9 The property to the north, which includes an agricultural building, is not understood to be an active farm. It is understood to be used to store machinery with no livestock believed to be kept within the buildings. It is therefore considered that a noise and odour survey is not required to support this scheme.
- 5.10 There were no amenity concerns raised as part of the extant scheme, of which the separation distances of the development are unchanged.
- 5.11 All houses will meet future homes standards for fabric and energy usage.

### **Highways and Traffic**

- 5.12 AMA Highways Consultants has prepared a Highways Supporting Statement to accompany the application. A new priority 'T' junction is proposed from Long Lane, as shown on the submitted Site Layout Plan. New footway provision will also be provided across the site frontage as required. In accordance with Manual for Streets, visibility of 2.4m x 43m to both the north and south can be achieved. The access will have a 5.5m wide carriageway and 2.0m footways on both sides.
- 5.13 The record of personal injury accidents occurring on the local highway network has been assessed and it is concluded that the local highway network in the vicinity of the development is operating safely.
- 5.14 Trip rates have been analysed and the trip generation of the proposed scheme is considered to be negligible and no noticeable impact upon the local highway network.
- 5.15 There were no highways concerns raised as part of the extant scheme, of which the access to the development is unchanged.

### **Ecology and Trees**

- 5.16 BWB has carried out a Preliminary Ecological Appraisal. The site does not lie within the Kirklees Wildlife Habitat Network however this is immediately adjacent to the eastern boundary. The wooded edge and a section of hedgerow are considered to be of local level importance to nature conservation. These will be retained as part of the scheme. Other site habitats are important at no more than site level importance.
- 5.17 No protected species or habitats will be directly affected by the development. Potential negative impacts from lighting upon the woodland edge could affect foraging bats however an ecologically sensitive lighting scheme would provide mitigation and avoid light spill across the woodland edge.
- 5.18 The habitats on site at present provide a total of 4.95 habitat units and 0.45 hedgerow units, to provide the mandatory 10% net gain 5.44 habitat units and 0.49 hedgerow units are required.

### **Flood Risk and Drainage**

- 5.19 The application is submitted with technical reports addressing flood risk and drainage by Dart Engineers Ltd. The proposed site falls mainly within flood zone 1 with an area immediately adjacent to Chickenley Beck within flood zone 3. The site does not have a historical flooding issue.
- 5.20 The proposed dwellings and entrance to the site will be located within flood zone 1 and avoid all areas in flood zone 3. The risk of flooding is therefore considered to be

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low. Updated flood risk mapping confirms the area for the additional 10 units is no longer considered at risk of flooding.

- 5.21 Surface water options have been considered and it is proposed to discharge surface water to Chickenley Beck. Foul water will connect to the existing 675mm diameter combined sewer running along the eastern boundary.
- 5.22 The pre-application enquiry requested consideration be given to the possibility for pollution of the beck via the surface water drainage. This has been investigated with the environmental engineers and the FRA updated to confirm that the proposed system will not have any adverse impact upon the beck.
- 5.23 The impact of potential flooding and drainage was considered as part of the previous application and was approved. The layout and drainage scheme are unchanged for the consideration of this application.

### **Ground Stability, Mining and Minerals**

- 5.24 A Geoenvironmental Appraisal has been carried out by Lithos covering ground stability, potential contamination and mining risk. None of these matters have been found to prejudice the ability to develop the site. A remediation strategy is submitted given the findings and requirements of the previous application.
- 5.25 Policy LP38 of the Kirklees Local Plan (2019) aims to safeguard minerals within the district. We have not undertaken, nor been instructed to undertake any intrusive geological investigations to determine the presence or otherwise of minerals or the economic viability of any underlying mineral deposits within the site.
- 5.26 Although there is no universally adopted distance required between residential dwellings minerals extraction, 100m is adopted by most Mineral Planning Authorities as a minimum with 150m also commonly adopted. The entire site lies within 100m of existing residential dwellings. Any mineral underlying the site is therefore already sterilised by its proximity to existing dwellings and therefore cannot be exploited whether or not the proposed development takes place.
- 5.27 It is therefore concluded that the proposal accords with Policy LP38 of the Local Plan as any mineral cannot be extracted due to the proximity of existing dwellings.

### **Conclusions**

- 5.28 A range of supporting technical assessments has been undertaken and are submitted with the application. The assessments conclude that there are no technical reasons that would prevent the development of the site for residential use, particularly given the layout of the scheme is identical to that approved within the extant permission.
- 5.29 The allocation of the site in the adopted Local Plan confirms that the principle of residential development is acceptable. No other harm will result from the proposal, as demonstrated within the submitted documents.
- 5.30 In accordance with paragraph 11 of the Framework, there are no adverse impacts from the proposed development that would significantly and demonstrably outweigh the benefits of delivering new housing on the site.

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## 6.0 Conclusions

- 6.1 This Planning Statement, incorporating a Statement of Community Involvement, has been produced following instructions from Wordsworth Property to support a full planning application for the residential development of land at Long Lane, Earlsheaton.
- 6.2 The planning application is made having due regard to central government's requirement to significantly enhance housing land supply. The application site is a housing allocation in the adopted Local Plan and development is therefore acceptable in principle. Site requirements of the allocation are met through the proposed scheme. No other harm will accrue, as demonstrated by the technical assessment works that have been undertaken. There are no constraints that would prevent development of the site for residential use.
- 6.3 The layout of the scheme is representative to that approved within the extant permission. The only change is the increased number of housing units and the altered housing mix to incorporate a number of quarter houses.
- 6.4 In view of the above, it is considered the scheme satisfies both national and local planning policy and represents a suitable development proposal for the site that addresses all the relevant and material considerations. The development clearly constitutes sustainable development as defined by the NPPF and thus satisfies Section 38(6) of the Planning and Compulsory Purchase Act 2004.
- 6.5 The development of the site is viable, deliverable and there are no technical constraints to advancing residential development on this site. In this regard, we would invite the local Planning Authority to assess this application and to grant full planning permission for the proposed residential development without delay.