NEWETT
HOMES

PLANNING STATEMENT

Residential Development (Up to 67 Dwellings) with Associated Access, Parking, Public Open Space, Landscaping and Infrastructure

LOWER BLACUP FARM, CLECKHEATON

REVISION A | SEPTEMBER 2024

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EXECUTIVE SUMMARY.

This Planning Statement supports a full planning application made by Newett Homes, Martin House and Alistair Wood for residential development at Lower Blacup Farm, Cleckheaton. The development will comprise up to 67 dwellings with associated access, parking, Public Open Space, landscaping and infrastructure.

The application site is allocated for residential development within the Kirklees Local Plan and is intended to meet additional requirements for residential development that arise during and beyond the Plan Period.

Contrary to the requirements of paragraph 77 of the NPPF, Kirklees Council do not have a five-year supply of specific, deliverable sites. Consequently, the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered and planning permission should be granted unless 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.

This Planning Statement has demonstrated that the proposed development would achieve significant benefits across the social, economic and environmental dimensions of sustainable development, as follows:

Social:

- The proposed development would contribute towards meeting the identified shortfall in housing delivery in Kirklees through providing additional housing on a site intended for residential development to meet identified requirements.
- The proposed development would deliver the right type of housing to meet demands through providing a policy-compliant level of affordable housing and provide a mixture of homes that is reflective of identified requirements.
- The proposed development features a design-led approach and has been carefully considered to provide high-quality, well-designed and beautiful placemaking that responds sensitively to the sites setting.
- The proposed development features high-quality, accessible and useable Public Open Space to contribute towards the creation of healthy communities.

Economic:

- The proposed development would achieve a breadth of economic benefits during the construction and operation phases of the development. During the construction phase the development would support direct and indirect construction jobs on-site and in the wider supply chain over the build programme, and contribute gross value added (GVA) to the economy through spend within the construction sector. During the operational phase of the development, the development would increase the labour force and by association increase local expenditure and the demand for local services; thereby improving their vitality and viability. The Developer would provide monies to the local authority in the form of S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the

development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.

Environmental:

- The development would make an effective use of land, delivering a minimum 35 dwellings per hectare.
- The development provides a high-quality, well-designed and attractive soft landscaping scheme which retains existing habitats where possible and proposes various other habitats in order to secure a 10.12% net gain in habitat units, a 12.76% net gain in hedgerow units and a 20.80% net gain in watercourse units; all in excess of 10% as mandated by the Environment Act.
- The proposed development would deliver sustainable design and construction through a fabric-first approach to building; the use of solar PV and air-source heat pumps as required by building regulations; the provision of EV-charging points; and the reduction of water consumption as much as practicable. These measures enable the development to achieve carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF.

Whilst there would be impacts from the development upon ecology, highways and heritage, it has been demonstrated that these are not unacceptable adverse impacts. Indeed, ecological impacts will be mitigated and enhanced via best construction practice and the provision of ecological enhancement features throughout the development. Further, highways impacts have been identified as being indiscernible in practice, owing to low development trips rates. Finally, the development would result in less than substantial harm to heritage assets, which would be outweighed by the scheme benefits that have been identified.

Given the impacts of the scheme have been identified to be acceptable, the benefits of the development would significantly and demonstrably outweigh the adverse impacts. Accordingly, paragraph 11 of the NPPF confirms the planning application shall be approved without delay.

These limited, minor adverse impacts are not unacceptable impacts and accordingly, the benefits of the proposed development would significantly and demonstrably outweigh these. As confirmed by paragraph 11 of the NPPF, planning permission should therefore be granted without delay.

This Planning Statement and the plans and documents submitted in support of the scheme demonstrate that the site provides a fully policy compliant scheme whilst contributing towards making up an identified shortfall in housing numbers. The supporting reports demonstrate that there are no technical reasons or environmental impacts that would prevent the site from coming forward for development and that would justify the refusal of planning permission.

1. INTRODUCTION.

1.1. This Planning Statement has been prepared by Newett Homes, Martin House and Alistair Wood (the "Applicant") in support of a full planning application for residential development at Lower Blacup Farm, Cleckheaton (the "Application Site").

1.2. The application seeks full planning permission for the following description of development:

> *"Residential Development (Up to 67 Dwellings) with Associated Access, Parking, Public Open Space, Landscaping and Infrastructure".*

1.3. The purpose of this Statement is to provide all the necessary information to assess the proposed development and determine the application within the context of relevant local and national planning policies, having regard to any other material considerations that hold relevance to the development of the application site.

1.4. The application is supported by a number of reports and drawings as detailed within the submitted covering letter. These documents are referred to throughout this report and should be read in conjunction with this Statement.

1.5. The remainder of this Statement takes the following structure:

- Site Context – this section provides details of the application site, relevant planning history, and any policy designations and environmental constraints;
- Proposed Development – this section details the proposed development;
- Planning Policy Context – this sets out the planning policies and guidance documents relevant to the proposed development;
- Planning Assessment – this assesses the proposed development against the relevant planning policies and other material considerations;
- Conclusions – this section provides the concluding remarks of the Planning Statement.

2. SITE CONTEXT.

Application Site & Surrounding Area.

2.1. The site comprises approximately 2.37 hectares of agricultural land at Lower Blacup Farm, Cleckheaton. The site is bound by industrial uses to the north, residential properties to the east and south, and farmland and buildings to the west.

2.2. The site is rectangular and slopes steeply down from south to north, with the steepest incline at the southern part of the site.

2.3. An existing point of access into the site is taken via Ashbourne Way for the occupiers of Lower Blacup Farm. This is also a Public Right of Way (SPE/94/10). The site also benefits from highway connections from Ashbourne Drive to the north of the site, and Ashbourne View to the south of the site. These are typical residential estate roads, benefitting from footways and streetlighting.

2.4. An aerial view of the site is provided at Figure 1 below.

Figure 1 – Aerial Image of Application Site.

2.5. The site is in a predominantly residential location, to the edge of the urban area of Cleckheaton. It is located within a sustainable location in relation to access to services, facilities, employment opportunities and public transport links. The site is approximately 1km to the south of the main amenities serving the town. The site is located 0.5km from bus stops on Hightown Rd, which provide regular services to Cleckheaton, Huddersfield and Brighouse Bus Stations.

Relevant Planning History.

2.6. The site was granted outline planning permission for residential development (including access) on 18/12/2013 (ref. 2012/93062). Reserved matters approval for 46 dwellings was granted on 13/09/2018 (ref. 2014/91242).

Site Constraints & Designations.

2.7. The site is allocated for housing (site ref. HS100) within the adopted Kirklees Local Plan 2019.

2.8. The site is located predominantly within Flood Zone 1, where the risk of flooding is low. A small part of the site to the north is within flood zones 2 and 3 due to the presence of Blacup Beck. No residential development will be located in these areas; only open space and drainage infrastructure.

2.9. The site is not within or adjacent to a conservation area but is located within the setting of the grade II listed *Lower Blacup Farmhouse Including Numbers 2 And 3*, which sits to the west of the site.

2.10. The site is also designated within the Mineral Safeguarding area, as is most of Kirklees.

2.11. A Public Right of Way (SPE/94/10) crosses the central of the site along the route of the access road to Lower Blacup Farmhouse.

3. PROPOSED DEVELOPMENT.

3.1. Full planning permission is sought for a proposed residential development with associated access, parking, Public Open Space, landscaping and infrastructure.

3.2. In summary, the development proposals are for:

- 67 no. open market residential dwellings;
- Access for vehicles and pedestrians via Ashbourne Drive to the north of the site, and Ashbourne View to the south of the site;
- A network of roads including an internal access road with pedestrian footways, shared surfacing and private drives;
- Private off-street parking and garages;
- Landscaping, private amenity space and Public Open Space; and,
- Drainage infrastructure (including SUDs) and other utility services.

3.3. The development hereby proposed is illustrated on the submitted planning layout drawing, and throughout the wider drawings pack.

3.4. The Proposed Development will provide a range of housetypes aimed at meeting the diverse needs of future residents. Proposed housetypes include 1- and 2-bed maisonettes, and 3, 4 and 5 bedroom semi-detached and detached dwellings extending from 2 to 2.5 storeys in height. The proposed housing mix is as follows:

Type	Number	% of Mix
Open Market Dwellings		
1-bedroom	4	6%
2-bedroom	4	6%
3-bedroom	40	60%
4-bedroom	17	25%
5-bedroom	2	3%
Grand-total	*67*	*100%*

3.5. No affordable housing provision is proposed due to scheme viability; this will be subject to viability testing.

3.6. All dwellings meet or exceed Nationally Described Space Standards (NDSS).

3.7. Dwellings will be predominantly constructed of artificial stone (Marshalls Cromwell Pitched Weathered Walling Stone) and Russel Grampian grey concrete roof tiles, with select elevations comprising ivory render to add visual interest to the streetscene. The

proposed materials are in keeping with the local context, in particular, the farmhouse to the west of the site.

3.8. Each home will be provided with dedicated off-street parking and amenity space.

3.9. The site sees a high-quality scheme of hard and soft landscaping, including a variety of hard surfacing, street trees, hedgerows, grassed amenity areas and species-rich planting.

3.10. Access to the development would be taken from Ashbourne Drive to the north of the site, and Ashbourne View to the south of the site, both with pedestrian footpaths provided on both sides.

3.11. Due to flood risk, the land to the northern part of the site within flood zones 2 & 3 will largely remain undeveloped save for the proposed drainage attenuation area SUDs basin.

4. PLANNING POLICY CONTEXT.

Statutory Development Plan.

4.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Statutory Development Plan, unless material considerations indicate otherwise.

4.2. The statutory Development Plan for Kirklees comprises the Kirklees Local Plan (adopted February 2019). The Local Plan, which covers the period 2013 to 2031, contains the Strategy and Policies document, Allocations and Designations document and the Policies Map. The Strategy and Policies document sets out the Council's overarching development goals and the Allocations of Designations document sets out the allocations and designations included in the Local Plan.

Kirklees Local Plan 2019: Allocations and Designations.

4.3. The Application Site is allocated for residential development (ref. HS100) within the Allocations and Designations document.

Kirklees Local Plan 2019: Strategy and Policies.

4.4. Relevant policies contained in the Kirklees Strategy and Policies document are summarised below.

4.5. Policy LP1 states that when considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It confirms that the council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

4.6. Policy LP3 relates to the location of development. Part 1 of the policy requires development to reflect a) the size and function of a settlement; b) place-shaping strengths, opportunities and challenges for growth; c) spatial priorities for urban renaissance and regeneration; and d) the need to provide for new homes and jobs. Part 2 of the policy confirms that Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way.

4.7. Policy LP7 seeks to ensure development makes an efficient and effective use of land. It sets out that housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme.

4.8. Policy LP11 states that all housing proposals should be of high quality and design and contribute to creating mixed and balanced communities. With regards to affordable housing, Policy LP11 states that the proportion of affordable homes should be 20% of the total units on market housing sites, though acknowledges that the proportion may be less where viability evidence demonstrates that there are development costs which would prejudice the implementation of housing schemes.

4.9. Policy LP20 supports development proposals that can be served by alternative modes of transport such as public transport, cycling and walking, and that will be located close to local facilities.

4.10. Policy LP21 expects development proposals to show that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.

4.11. Policy LP22 requires that development proposals show full details on the design and levels of parking provision. It also requires applicants to demonstrate how the design and amount of parking proposed is the most efficient use of land within the proposed development, as a part of encouraging sustainable transport.

4.12. Policy LP24 seeks to ensure proposals promote good design.

4.13. Policy LP27 states that development proposals must be supported by an appropriate Flood Risk Assessment in line with national planning policy.

4.14. Policy LP28 encourages the use of Sustainable Drainage Systems (SuDS) within new development.

4.15. Policy LP30 seeks to protect and enhance the biodiversity and geodiversity of Kirklees.

4.16. Policy LP32 states that development proposals should be designed to take account of, and seek to enhance, the landscape character in the area.

4.17. Policy LP33 sets out that development proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment.

4.18. Policy LP34 requires proposals to conserve and enhance waterbodies.

4.19. Policy LP52 seeks to protect and improve environmental quality and protect against adverse impacts relating to factors such as noise, vibration, light and dust.

Other Material Considerations.

National Planning Policy Framework (December 2023).

4.20. National policy is set out within the National Planning Policy Framework (NPPF) 2023 which forms a material consideration in planning decisions.

4.21. The Revised Framework was published in December 2023 and sets out the Government's planning policies for England and how these are expected to be applied. Paragraph 3 confirms the Framework should be read as a whole.

4.22. The Framework contains policies to guide both plan making and individual planning decisions to ensure the planning system contributes towards the achievement of sustainable development. Paragraph 7 confirms that the prose of the planning system is to contribute towards the achievement of sustainable development, including the provision of homes.

4.23. Paragraph 8 recognises that achieving sustainable development requires the planning system to have three overarching objectives: an economic, social and environmental objective. These objectives are interdependent and need to be pursued in mutually supportive ways, to secure net gains across each of the different objectives. Notwithstanding this, there is no requirement to fulfil all three objectives to an equal extent and gains over one or two objectives can outweigh harm to the other objectives. The three objectives of the planning system are defined as follows:

- 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 states 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 confirms that a presumption in favour of sustainable development is at the heart of the NPPF and for planning applications this means proposals for development conforming to the Development Plan should be approved without delay. Paragraph 11 states:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

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.

4.26. In the case of this development proposal, the sections of the NPPF that are most relevant are:

- Section 2: Achieving Sustainable Development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- Section 6: Building a strong, competitive economy;
- Section 8: Promoting healthy and safe communities;
- Section 9: Promoting sustainable transport;
- Section 11: Making effective use of land;
- Section 12: Achieving well-designed places;
- Section 14: Meeting the challenge of climate change, flooding and coastal change;
- Section 15: Conserving and enhancing the natural environment; and,
- Section 16: Conserving and enhancing the historic environment.

Planning Practice Guidance (PPG).

4.27. The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF.

5. PLANNING ASSESSMENT.

Principle of Development.

5.1. Nationally, there is an identified need for housing. Section 5 of the NPPF relates to delivering a sufficient supply of homes and recognises that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed (paragraph 60).

5.2. In order to deliver a sufficient supply of homes, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing, or a minimum of four years where an authority have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 stage, including both a policies map and proposed allocations towards meeting housing need.

5.3. A local authority is not required to identify and update annually a five-year housing land supply if their adopted plan is less than five years old and that the adopted plan identified at least a five-year supply of specific, deliverable sites at the time that its examination concluded.

5.4. Kirklees Councils' Authority Monitoring Report (December 2023) identifies the current housing land supply position to be 3.96 years.

5.5. The Kirklees Local Plan was adopted on 27 February 2019, and turned 5-years old on 27 February 2024, therefore the Council are required to demonstrate at least a five-year supply of specific, deliverable sites, as per paragraph 77 of the NPPF.

5.6. In the absence of a five-year housing land supply, the application of the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered.

5.7. Paragraph 33 of the NPPF requires local plans to be assessed on whether they need updating at least once every five years and should be updated as necessary. Reviews should take into account changing circumstances affecting the area, such as the under-delivery of housing to maintain a five-year housing land supply.

5.8. As the Kirklees Local Plan has passed its 5th year since adoption, the Council has confirmed the intention to undertake a review of the Local Plan, publishing a report to Cabinet seeking endorsement and recommendation to Full Council to commence a full update of the Local Plan. However, such a review is not expected to reach adoption until 2027/28, therefore the presumption in favour of sustainable development is further triggered on this basis.

5.9. Paragraph 11(d) of the NPPF states that:

" 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. *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*".

5.10. In respect of Paragraph 11(d)(i), the site is not affected by any footnote 7 constraints, consequently, paragraph 11(d)(ii) is engaged, and planning permission should be granted unless 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.

Scheme Benefits.

Delivering a Sufficient Supply of Homes.

5.11. As previously stated, Kirklees Council do not have a five-year supply of specific deliverable housing sites. The Council are therefore not meeting the requirement of National policy to deliver a sufficient supply of homes. This impacts the Council's ability to meet their Spatial Development Strategy, as set out in the Local Plan, which identifies the Council will achieve sustainable housing growth through the delivery of a minimum of 31,140 new homes across the plan period, or 1,730 new homes per annum.

5.12. The application site is allocated for housing within the adopted local plan and therefore contributes towards the Council's housing land supply requirements. The delivery of up to 67 new homes on this allocated site would make a valuable contribution towards the Council's housing land supply and help to address the identified shortfall in housing delivery.

5.13. The development provides a mix of housing types and sizes, aimed at meeting a wide range of needs. Affordable Housing & Housing Mix Supplementary Planning Document (SPD). The table below details how the proposed housing types and mix correspond with locally identified requirements for 'Batley and Spen':

	Identified Requirement	Proposed Mix
Open Market		
1 & 2 bed	30 – 60%	12%
3 bed	25 – 45%	60%
4+ bed	5 – 25%	28%

5.14. As per the table above, against identified requirements, the proposed development under-provides on 1 & 2 bed properties, over-provides on 3-bed properties, but broadly algins with identified provision for 4+ bed properties. Whilst the provision of 1-2 bed properties is the biggest area of need for the Council but the lowest area of provision within the development, there is a need to balance scheme viability and respect the character of the surrounding area which includes respecting the density of development surrounding the site.

5.15. Overall, the proposed development would make a valuable contribution towards meeting the identified shortfall in housing land in Kirklees. The development would provide a mix of dwellings of varying types and sizes, including open market and affordable homes, all constructed to Nationally Described Space Standards, to meet the diverse needs of the Districts' population.

Making Effective Use of Land.

5.16. Section 11 of the NPPF seeks to promote an effective use of land to meet the need for homes, whilst safeguarding the environment and ensuring safe and healthy living conditions. Policy LP7 of the local plan reflects this priority of the NPPF and requires development proposals to make an efficient and effective use of land and buildings. Policy LP7 expects a net development density of *at least* 35 dwellings per hectare.

5.17. The developable site area has been calculated at 1.72 hectares, therefore the provision of 67 dwellings at the site results in a density of 38.95 dwellings per hectare (DPH). This density aligns with the requirements of Policy LP7 and would therefore make an effective use of land as required by Section 11 of the NPPF.

Achieving Well-designed and Beautiful Places & Promoting Healthy and Safe Communities.

5.18. Section 12 of the NPPF states that the creation of high-quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Section 8 requires planning policies and decisions to achieve healthy, inclusive and safe places and beautiful buildings. The importance of good design is enshrined in local policy, with policy LP24 setting out design requirements for development proposals.

5.19. The application is supported by a Design & Access Statement which details how the development relates to the site and its wider context, and how the design has evolved. This document should be conjunction with the Planning Statement.

5.20. Qualities of successful placemaking and good design are seen throughout the layout of the site which sees a safe and secure, efficient and legible layout which features active frontages throughout; safe, useable and accessible public open space, a strong and extensive landscaping scheme; and integrated public rights of way and the creation of a network of new footpaths to maximise connectivity within the site and wider area.

5.21. Within the site, the access extends and forms a loop road. The main access road features 2 no. 2 metre footways and eventually transitions to a shared surface; a space

which pedestrians and vehicles can share in harmony. The highway features street trees in accordance with Paragraph 136 of the NPPF. All street trees will be conveyed to a Management Company, ensuring their future retention.

5.22. A high-quality and attractive streetscene is secured via the use of a variety of housetypes, including apartments, semi-detached and detached properties, between 2 and 2.5 storeys in height. Each housetype is high-quality and features attractive architectural detailing throughout. All dwellings are constructed of artificial stone with select dwellings including render to add visual interest to the streetscene. Additionally, all dwellings feature dedicated off-street parking and private amenity space or accessible public open space. The proposed housetypes are considered to help create a development that is attractive, has a strong sense of place and responds positively towards local vernacular.

5.23. Each home is designed to Nationally Described Space Standards (NDSS) to ensure all dwellings feature reasonable indoor amenity space. All homes feature adequate and useable garden space and enjoys easy access to Public Open Space. All dwellings have been designed to allow sufficient separation distances between proposed dwellings and existing neighbouring uses to ensure no adverse amenity issues arise.

5.24. Each home features a sufficient amount of off-street parking provision, as informed by the Highway Design Guide SPD which requires 2 parking spaces for 2 & 3 bedroom homes, and 3 spaces for 4+ bedroom homes, in accordance with policy LP22.

5.25. To ensure a safe community, the layout has been informed by Secure by Design principles. The development has been designed so dwellings back onto any existing neighbouring residential development to create secure site boundaries. Within the site, the development has been designed to create blocks, again, to create secure site boundaries. Boundary treatments comprise either 1.8m high timber fencing or stone walling to ensure rear gardens are secure. Care has been taken to ensure rear garden gates are visible from the streetscene. Active frontages have been integrated throughout the development to ensure the streetscene is overlooked, particularly around the areas of Public Open Space and the Local Area of Play. A high-quality landscaping scheme is proposed to soften the appearance of the development, contribute towards achieving good design, placemaking and a net gain in biodiversity. The landscaping scheme includes the retention of existing vegetation where possible, and the provision of garden turf, recreational grassland, species rich grassland, wildflower planting, bulb planting, native tree and shrub mix and a variety of tree and hedgerow planting.

5.26. Overall, the proposed development is well-designed, high quality and will create an attractive environment, reflective of the wider settlement of Cleckheaton. On this basis, the development would contribute towards the creation of well-designed and beautiful places and deliver healthy and safe communicates as required by the NPPF and meet the requirements of policy LP24.

Planning for Climate Change.

5.27. National policy places great importance on delivering sustainable development to mitigate climate change. As such, various steps have been taken to ensure the development helps to contribute towards a reduction in the causes of climate change. Every home is designed via a fabric-first approach and will feature renewable technology such as solar PV or air source heat pumps as required by Building Regulations. In addition, every home will seek to reduce water consumption as much as practicable and each home will benefit from electric vehicle charging points as standard. Through these measures, the development will as a minimum, achieve the appropriate carbon compliance targets as defined in the Building Regulations and contribute towards sustainable development goals contained within the NPPF.

Building a Strong, Competitive Economy.

5.28. Section 6 of the NPPF relates to building a strong, competitive economy. Paragraph 81 confirms that 'significant weight should be placed on the need to support economic growth and productivity'. Paragraph 8 of the Framework confirms that net gains across the economic objective of the planning system should be pursued in order to contribute towards achieving sustainable development.

5.29. The development would achieve socio-economic benefits during both the construction and operational phases of the development.

5.30. During the construction phase, the development would support both direct construction jobs on-site, and indirect jobs in the wider supply chain over the build programme. During the construction phase the development would contribute gross value added (GVA) to the economy through spend within the construction sector.

5.31. During the operational phase, the development would increase the labour force and by association increase local expenditure and the demand for local services; thereby improving their vitality and viability. The Developer would provide monies to the local authority in the form of S106 payments where necessary. The development would also achieve additional Council tax payments for the Council. Additionally, upon the completion of the development, the New Homes Bonus payment is triggered to the local authority based upon the amount of extra council tax revenue raised for new homes.

5.32. These socio-economic benefits weigh in favour of the development and would contribute towards achieving sustainable development.

Conserving and Enhancing the Natural Environment.

5.33. Paragraph 8 of the NPPF confirms that securing net gains across the environmental objective of the planning system is central to achieving sustainable development. Section 15 of the NPPF requires planning decisions to contribute to and enhance the natural environment.

5.34. A suite of local policies seeks to protect and enhance the natural environment. Policy LP30 seeks to protect and enhance the biodiversity and geodiversity of Kirklees. Policy LP33 requires proposals to avoid unacceptable losses of trees. Policy LP34 requires

proposals to conserve and enhance waterbodies. Paragraph 185 of the NPPF seeks to achieve measurable net gains for biodiversity, and the Environment Act requires development proposals to achieve a 10% net gain for biodiversity.

5.35. An Ecological Impact Assessment (EcIA) has been prepared in support of the application to consider potential impacts arising to ecology and biodiversity net gain.

5.36. The ecological studies have found that the Site is not designated as a statutory or non-statutory site for nature conservation and that none are present nearby with the potential to be affected. There are no Ancient Woodlands within 1 km of the Site and the one priority habitat, deciduous woodland, is sufficiently distanced not to be impacted by the construction works.

5.37. The UKHab Survey identified a series of modified grassland fields, several lines of trees and hedgerows, an artificial unvegetated unsealed track and a river, Blacup Beck, to the north of the Site. The lines of trees, hedgerows and river are considered important at a local level. The Site is also considered locally important for bats and hedgehog, with the following ecological receptors included for further assessment due to their legal protection: reptiles, nesting birds and badger. Two Schedule 9 invasive non-native species (INNS): Himalayan balsam and giant hogweed were also identified as ecological constraints.

5.38. A Pollution Prevention Plan will be implemented to ensure no significant negative impacts on the river during construction. River enhancement works are proposed, which shall be undertaken in low flow conditions, shall limit bank disturbance of the existing watercourse and minimise the construction time period. No operational impacts are anticipated.

5.39. During construction, protective fencing shall be installed around retained vegetation and dust suppression techniques shall be implemented. Air, noise and light pollution measures will be in place during construction and a sensitive lighting scheme shall be adopted.

5.40. A pre-commencement survey for INNS shall be undertaken and strict biosecurity measures shall be implemented along the western and northern boundary. Both INNS shall be removed from the Site.

5.41. A pre-commencement survey for badger shall also be undertaken, and hedgehog highways installed in all garden fences. A bat box shall be installed on a retained tree to the south of the Site to mitigate for the loss of one tree with roosting potential. Impacts on reptiles, nesting birds, bats, badger and hedgehog are to be avoided or managed through timing of works and implementation of measures within a Construction Environmental Management Plan.

5.42. A substantial soft landscaping scheme is proposed which aims to soften the appearance of the development, contribute towards placemaking, and secure habitat enhancements at the site. The Landscape Masterplan details areas of retained vegetation, enhancement of the tree line and additional hedgerow and tree planting

across the Site. Integrated bat boxes and nest boxes will both be installed on 15% of the 67 plots. Blacup Beck will also be enhanced through minor tree trimming to ensure that the bank tops and face can maintain long grass and shrub cover, as well as removal of large trash and INNS.

5.43. A biodiversity impact assessment has been completed on the basis of the landscape masterplan; this is provided within the EcIA. This identifies the site to have a baseline value of 4.69 habitat units, 1.63 hedgerow units and 0.34 watercourse units. Post-intervention, as a result of the proposed landscaping plan, the sites value increases to 5.16 habitat units, 1.84 hedgerow units and 0.41 watercourse units; a net gain of 10.12%, 12.76% and 20.80%, respectively. As such, the scheme would secure net gains for biodiversity, in excess of the mandatory 10% net gain. Accordingly, the proposed development would accord with policies LP30 and LP34 of the local plan and paragraph 185 of the NPPF.

Scheme Benefits: Summary.

5.44. As per Paragraph 11 of the NPPF, the presumption in favour of sustainable development applies to the development of the Application Site. Accordingly, planning permission should be granted unless 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.

5.45. This section of the Planning Statement has presented the benefits of the proposed development. It has been clearly demonstrated that the development would achieve gains across the social, economic and environmental dimensions of sustainable development; significant weight should be afforded to this consideration.

5.46. The following section details the impacts of the development, which are to be weighed against the significant benefits that have been identified. It should be noted that it is rare for any development to avoid having any adverse impact, and any adverse impacts should be weighed appropriately and balanced against the wider material planning considerations. Planning permission should only be refused where the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

Development Impacts.

Highways & Parking.

5.47. Policy LP21 expects development proposals to show that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Paragraph 115 of the NPPF states that '*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*'.

5.48. The Application is supported by a Transport Statement and Travel Plan which should be read in conjunction with this report.

Site Access.

5.49. Vehicular access to the proposed development will be provided via extensions to the existing residential roads at two locations, Ashbourne Drive and Ashbourne View to the east of the site, as shown on the site layout plan. The existing footways on both sides of Ashbourne Drive and Ashbourne View are to be extended into the proposed site, continuing along the main spine roads. The existing access track serving Lower Blacup Farm to the west of the site will be retained as part of the proposed site layout. This track connects with Ashbourne Way to the east of the site, and also accommodates an existing Public Right of Way (PRoW) footpath.

Accessibility.

5.50. Cleckheaton is considered to be a sustainable location for access by non-car modes by virtue of the walking, cycling and public transport accessibility.

5.51. The site is located within a reasonable walking distance (up to 2km) of a number of retail, health, leisure, and education facilities located within Cleckheaton to the north of the site. These include Heaton Avenue Primary Academy (closest school), Cleckheaton Health Centre, and Cleckheaton Methodist Church. In addition, there are several retail amenities located towards the centre of Cleckheaton including a Tesco Superstore and Home Bargains to the northeast of the site, with numerous amenities in close proximity to the site located along Westgate (A643), including a public house, a hairdresser and several takeaways.

5.52. The proposed site is located within a reasonable cycle ride, up to 8km (approximately 25 minutes at the average cycling speed of 12mph), of the areas of Cleckheaton Brighouse, Liversedge and Birstall, as well as a range of further smaller settlements.

5.53. In terms of public transport provision, the nearest bus stops to the site are located on Quaker Lane and Ashbourne Drive, approximately 115m and 210m east of the site respectively. Both stops are serviced by the #259, four times per weekday (Monday to Friday) which runs between Brighouse and East Bierley. There are also additional bus stops present on Hightown Road which are serviced by the #260 which runs approximately hourly during the daytime on weekdays between Cleckheaton and Huddersfield. It should be noted that a number of additional services are available from Cleckheaton Bus Station, located approximately 670m to the east of the site on Greenside.

5.54. The nearest rail station to the site is Brighouse Rail Station, which is located approximately 4.6km to the west of the site. It should be noted that the #259 bus service stops at Brighouse Bus Station, which is located 520m to the north of Brighouse Rail Station and can be considered to be within reasonable walking distance. Services at Brighouse Rail Station are operated by Northern Rail, Grand Central and TransPennine Express, providing access to local, regional, and national destinations. These include Bradford Interchange, Halifax, Huddersfield, Leeds, and London King's Cross. Facilities available at the station include cycle parking, a car park and step-free access.

5.55. Overall, the proposed development site is well serviced by sustainable transport modes to maximise sustainable travel.

Trip Generation.

5.56. The Transport Statement finds the development of 67 dwellings has the potential to generate 33 and 38 two-way vehicle trips in the AM and PM peak hours, respectively. However, it is expected that these trips will be split between the two site parcels/access junctions (Ashbourne Drive/Ashbourne View). Broken down between the two parcels of land, this is calculated at up to 13 and 15 vehicle trips in the AM and PM peak hours, respectively, for the northern parcel of land; and up to 20 and 23 vehicle trips in the AM and PM peak hours, respectively, for the southern parcel of land. This level of trip generation will not have a significant impact on the operation of the local highway network. Therefore, the proposals are considered to be in accordance with the *'National Planning Policy Framework'*, which states that *"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"*

5.57. A Travel Plan has been produced in conjunction with the submitted Transport Statement to help promote and encourage sustainable travel to/from the proposed development. In order to ensure that this assessment robustly analyses a 'worst-case scenario', the potential vehicle trip reducing benefits of the site Travel Plan have not been within the trip generation projections. However, it is worth noting that the Travel Plan would be expected to increase the number of trips generated by sustainable modes and reduce the number of single occupancy car trips.

5.58. Overall, the submitted Transport Statement demonstrates that a safe and suitable access can be provided to the proposed development site, that it is well-served by sustainable transport options, and that the development will not have any noticeable impact upon the local highway network. The proposals would therefore accord with policy LP21 and meet the requirements of the NPPF.

Heritage Impacts.

5.59. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('PLBCAA') requires decisions on development affecting a listed building or its setting to be taken with special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The courts have held that with regards to proposed development within the setting of a listed building, or which may impact on a listed building, the decision-maker must accord considerable importance and weight to the "desirability or preserving the listed building, or its setting".

5.60. The NPPF provides for the application of the PLBCAA and also states that setting of a designated asset can contribute to its significance and therefore any harm or loss should require clear and convincing justification. Section 16 of the NPPF and policy LP35 of the local plan seeks to ensure that heritage assets are appropriately protected.

5.61. There are no heritage assets within the site itself, however the application site is in proximity to Lower Blacup Farmhouse including Numbers 2 and 3 Quaker Lane, a Grade II Listed Building, therefore impacts may arise. The application is supported by a Heritage Statement which establishes the overall significance of any heritage assets and determines whether the proposals will have any impact.

5.62. As mentioned previously, the site benefits from a previous planning permission for residential development. Outline planning permission was granted, following Appeal, in 2013 for the residential development of the site for circa 54 dwellings (LPA reference 2012/60/93062 and Appeal reference APP/Z4718/A/13/2201353). The appeal decision is provided at Appendix A. In their consideration of the Appeal proposals, the Inspector assessed heritage impact and stated that:

> *"28. The proposed development would have some impact upon the setting of the farmhouse [Lower Blacup Farmhouse] insofar as its surrounding farmland would be reduced in scale and there would be new houses built much closer to it than at present. Given its historic, and existing, role as a working farm the proximity of new development would affect its setting. The revised indicative site layout shows an undeveloped buffer between the Farmhouse and the new development [...].*
>
> *29. [...] The resultant provision of an open area close to the Farmhouse would act as a buffer between the new housing and the heritage asset. Nonetheless, the encroachment of the housing much closer to the Farmhouse would result in some harm to the setting of this designated heritage asset. However, that harm would be less than substantial. In such circumstances paragraph 134 of the Framework says that the harm should be weighed against the public benefits of the proposal".*

5.63. In considering the balance test, the Inspector noted that the public benefits of the proposal include the provision of new housing in an area that lacks a five-year supply of housing land. It was considered that this on its own weighs in favour of the development and the Inspector stated: "*I conclude that the benefits outweigh the limited harm to the setting of this heritage asset*".

5.64. The Appeal was allowed, and a planning condition was attached to ensure the provision of an area of open space to act as a buffer between the development area and the Lower Blacup Farmhouse listed building. Figure 5.1 provides a plan showing the buffer to be kept free from developed, as denoted by the hatching:

Figure 5.1 - Approved Illustrative Master Plan (Appeal document)
Hatched area to remain free of development.

5.65. The buffer as illustrated above, was integrated into the approved site plan for reserved matters approval ref. 2014/91242.

5.66. The proposed layout of 67 dwellings retains the area of open space east of Lower Blacup Farmhouse and extends it slightly to the south-east. This is consistent with the previously approved schemes and as such the level of harm identified is considered to be less than substantial and relatively minor within that bracket. This is consistent with the Inspector's conclusion that the harm identified would be 'limited'.

5.67. Paragraph 208 of the NPPF states: "*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*". As noted earlier in the Planning Statement, Kirklees Council do not have a five-year housing land supply, therefore the provision of housing at the site would contribute towards meeting the identified shortfall in housing land and great weight should be afforded to this consideration which outweighs limited heritage harm. Notably, this is consistent with the previous appeal at the Site in which the Inspector ruled that the provision of housing at the site to meet the identified shortfall would outweigh the limited harm to the heritage asset.

5.68. Overall, the public benefits of the proposal are considered to outweigh the limited harm identified, therefore the provisions of Section 16 of the NPPF and policy LP35 of the local plan.

Flood Risk & Drainage.

5.69. Policy LP27 states that development proposals must be supported by an appropriate Flood Risk Assessment in line with national planning policy.

5.70. A Flood Risk Assessment & Drainage Strategy has been prepared in support of the application. This report identifies that the site is located predominantly within Flood Zone 1, where the risk of flooding is low. A small part of the site to the north is within flood zones 2 and 3 due to the presence of Blacup Beck. No residential development will be located in these areas; only open space and drainage infrastructure.

5.71. Whilst the development will be restricted to Flood Zone 1, in order to accommodate the possibilities of flood from a catastrophic storm, overland run-off or blockage of the existing or proposed drainage system, the following precautionary flood mitigation measures are recommended:-

- The finished floor levels (FFL) to the properties shall be raised a minimum of 600mm above the 1 in 1,000 year approximate flood level of 91.50m A.O.D. (91.50 + 0.6 = 92.10m), or 150mm above existing ground level, whichever is the greater.
- Properties shall be designed without any basements and ground floors shall comprise solid concrete slabs or beam and block with screed construction.
- Incoming electricity supplies shall be raised above ground floor level and ground floor electric sockets shall be served by loops from upper level.
- In the unlikely event of flooding of the site, it would be appropriate to design external levels with falls to non-critical areas, such as landscape, where the water can pond without causing flooding to buildings.
- If any water issues are found on the site, or boundary levels result in flow of water into the site, these shall be accommodated by introducing "cut-off" drains to direct the flow around the development and into the watercourse.
- A 45% increase in rainfall shall be incorporated into any new positive drainage system to satisfy the requirements of climate change.
- Sustainable Drainage Systems of infiltration techniques are considered to be unsuitable on this particular site due to the geological parameters of the natural soils. However, it will be necessary to carry out appropriate infiltration tests in accordance with BRE Digest 365 'Soakaway Design' prior to construction on site and the results presented in a report for the approval of the Planning Authority.
- The proposed surface water drainage system shall be restricted to the agreed discharge rate with appropriate attenuation for a 1 in 100 year storm plus climate change event incorporated into the design, prior to discharge to watercourse. The detailed design and calculations shall be submitted to the Planning Authority for approval prior to construction on the development site

- The discharge of foul or surface water to sewer and/or the introduction of manholes or works to a public sewer will require the consent of the Water Authority.
- The discharge of surface water to watercourse and/or the introduction of headwalls or works to the watercourse will require the consent of the LLFA by submitting an Application for Consent to Work Within a Watercourse.
- There will be a requirement for a 7m strip to be provided from the top of the watercourse banking where no development can take place and access arrangements will need to be agreed for future improvements or maintenance.
- Foul water domestic waste can discharge to the 450mm diameter public combined sewer recorded crossing the site.
- No special mitigation measures are required for emergency egress during times of flood.

5.72. Subject to compliance with the above, the proposed development can satisfy the requirements of the National Planning Policy Framework and the Planning Practice Guidance in relation to flood risk and accord with Policy LP27 of the local plan.

Pollution Impacts.

5.73. Policy LP52 seeks to protect and improve environmental quality. In-part, this is achieved by protecting new development against adverse noise, air quality and odour impacts. The brief for the site allocation states that any planning application for development at the site needs to consider potential noise, odour impacts that may arise from nearby sources.

5.74. A Noise Impact Assessment has been prepared in support of the application which considers noise impacts arising from road traffic and the industrial estate to the north of the site. The report identifies that the noise environment at the site is generally controlled by distant road traffic noise with no noise noted from the northern industrial estate over the day or night-time periods. The report concludes that noise levels throughout the site are relatively low. As a consequence, standard double glazing and standard trickle vents are appropriate throughout the development, and there are no issues with respect to external amenity. Accordingly, there would be no unacceptable noise impacts and the proposed development would comply with Policy LP52.

5.75. An Air Quality Assessment has been prepared in support of the planning application. This report concludes that the development has the potential to cause air quality impacts at sensitive locations during the construction and operational phases, however, impacts during the construction phase would not be significant, subject to mitigation measures secured via a Construction Environmental Management Plan. Further, impacts arising during the operational phase of the development through traffic generation would not be significant due to the scale of the proposed development. Accordingly, subject to mitigation measures, there would be no adverse air quality impacts in line with policy LP52.

5.76. An Odour Assessment has been prepared in support of the planning application to consider potential odour emissions from Lower Blacup Farm and the adjacent industrial estate.

5.77. Three Field Odour Surveys were undertaken in accordance with the IAQM methodology. The results indicated odour impacts ranging between negligible and small. This is predicted to result in effects of negligible to slight at the proposed development site. The risk of potential odour effects at the development was assessed using the IAQM methodology. This included consideration of the Source Odour Potential, pathway effectiveness and receptor sensitivity. The results of the assessment indicated the predicted odour effect significance was slight at the proposed site, which is consistent with the maximum impact detected during the Field Odour Surveys. Based on the results of the staged assessment, overall odour effects on the site are considered to be not significant in accordance with stated guidance. As such, odour emissions from the identified sources are not considered to represent a constraint to planning consent for the proposals and the proposals accord with Policy LP52.

Ground Conditions.

5.78. Paragraph 183 of the NPFF seeks to ensure a development site is suitable for its proposed use by taking into consideration ground condition and any risks arising from land instability and contamination. Policy LP53 relates to contaminated and unstable land, stating that developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted. The application is supported by a Geoenvironmental Appraisal which does not identify any risks to the development of the site which cannot be mitigated, and consequently provides recommendations for further investigation at the site. Subject to further investigation and incorporation of the engineers recommendations, the proposal would accord with Policy LP53 of the local plan and paragraph 183 of the NPPF.

Development Impacts: Summary.

5.79. The application is accompanied by a suite of technical reports which demonstrate that there are no technical constraints which would prevent the site coming forward for development and that the scheme will not result in any significant adverse impacts in accordance with local and national planning policy.

5.80. Where recommendations have been made within these reports for required mitigation or potential improvements, these are provided as part of the proposed development or, where necessary, can be secured via a suitably worded planning condition.

6. CONCLUSION.

6.1. This Planning Statement has been prepared by Newett Homes in support of a full planning application for residential development at Lower Blacup Farm, Cleckheaton. The development will comprise up to 67 dwellings with associated access, parking, Public Open Space, landscaping and infrastructure.

6.2. This report considers the proposal against the content of the Development Plan and other material considerations, including the Government's National Planning Policy Framework.

6.3. The application site is allocated for residential development (ref. HS100) within the Allocations and Designations document of the Kirklees Local Plan 2019.

6.4. Contrary to the requirements of paragraph 77 of the NPPF, Kirklees Council do not have a five-year supply of specific, deliverable sites. Consequently, the presumption in favour of sustainable development, as set out in Paragraph 11(d) of the NPPF, is triggered and planning permission should be granted unless 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. This Planning Statement has demonstrated that the proposed development would achieve significant benefits across the social, economic and environmental dimensions of sustainable development.

6.5. This Planning Statement has demonstrated that the proposed development would achieve significant benefits across the social, economic and environmental dimensions of sustainable development

6.6. Whilst there would be impacts arising from the development relating to ecology, highways and heritage, it has been demonstrated that these are not unacceptable adverse impacts. Indeed, ecological impacts will be mitigated via best construction practice and the provision of ecological enhancement features throughout the development. Further, highways impacts have been identified as being indiscernible in practice, owing to low development trips rates. Finally, the development would result in less than substantial harm to heritage assets, which would be outweighed by the scheme benefits that have been identified.

6.7. Given the impacts of the scheme have been identified to be acceptable, the benefits of the development would significantly and demonstrably outweigh the adverse impacts. Accordingly, paragraph 11 of the NPPF confirms the planning application shall be approved without delay.

6.8. Overall, this Planning Statement and the plans and documents submitted in support of the scheme have demonstrated that the site provides a fully policy compliant scheme whilst contributing towards making up an identified shortfall in housing numbers. The supporting reports have demonstrated there are no technical reasons or environmental impacts that would prevent the site from coming forward for development and that would justify the refusal of planning permission.

APPENDIX A

Appeal Decision Letter ref. APP/Z4718/A/13/2201353.

The Planning Inspectorate

Appeal Decision

Inquiry opened on 29 October 2013

Site visit made on 30 October 2013

by Clive Hughes BA (Hons) MA DMS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 December 2013

Appeal Ref: APP/Z4718/A/13/2201353
Land at Ashbourne Drive, Cleckheaton BD19 5HZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Redrow Homes Ltd against the decision of Kirklees Council.
- The application Ref 2012/60/93062/E, dated 3 October 2012, was refused by notice dated 21 May 2013.
- The development proposed is residential development (all matters reserved except partial means of access to, but not within, the site).
- The inquiry sat for 2 days on 29 and 30 October 2013.

Decision

1. The appeal is allowed and planning permission is granted for residential development (all matters reserved except partial means of access to, but not within, the site) at land at Ashbourne Drive and Ashbourne View, Cleckheaton BD19 5HZ in accordance with the terms of the application, Ref 2012/60/93062/E, dated 3 October 2012, subject to the conditions set out in the Annex to this Decision.

Procedural matters

2. The application is in outline with all matters other than the access to the site reserved for future consideration. At the Inquiry it was confirmed that the reference in the description of the development on the planning application form to "partial means of access" means that access to the site is for determination at this stage while access within the site is reserved. I have determined this appeal on that basis.

3. The site address is as set out above in the banner headline. At the Inquiry it was agreed that as the site also has vehicular access from Ashbourne View, for the avoidance of doubt this second road should be included in the address. I have amended the site address accordingly.

4. Following discussions between the appellants and the Council, an amended indicative site layout plan was submitted. This was submitted after the application had been refused but before the proofs of evidence were exchanged. This plan (Drawing No P10 4343 01A) shows a buffer zone incorporated into the indicative layout immediately to the east of Lower Blacup Farmhouse (a Grade II listed building) and involves a reduction in the indicative number of dwellings from 54 to 53. The site boundary is unaltered, the proposals involve a reduction in the indicative amount of development and the layout is not for determination at this stage. The *Statement of Common*

Ground (SoCG) says that the Council has published the revised plan in its website and notified local residents. In view of all these factors, I am satisfied that my consideration of this plan would not prejudice the interests of any interested parties. I have based this decision on the amended indicative layout.

5. The SoCG states that the Council is satisfied that this revised plan addresses its concerns regarding the setting of Lower Blacup Farmhouse and the living conditions of future residents on the appeal site due to potential nuisance from farming activities. The SoCG says that reasons for refusal 3 and 4 are therefore withdrawn subject to a condition ensuring that an area beside the farm remains free from new dwellings. Notwithstanding this position, however, I have had regard to my duty under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and have had special regard to the desirability of preserving the setting of this listed building.

6. At a Full Council meeting on 23 October 2013, Kirklees Council resolved to withdraw its emerging Core Strategy (CS). On 24 October 2014 the Council's Heavy Woollen Sub-Committee resolved that the Council would not actively participate in this Public Inquiry. It would not call any witnesses or cross-examine the evidence of the appellants. However, reasons for refusal 1 and 2 were not formally withdrawn; the Council said that it was simply not putting forward any further evidence in support of them.

7. At the Inquiry a signed Agreement under section 106 of the Act was submitted. It is dated 29 October 2013. This makes provision for affordable housing, makes a financial contribution towards education and provides for traffic calming measures. I have taken this Agreement into consideration in the determination of this appeal.

Application for costs

8. At the Inquiry an application for costs was made by Redrow Homes Ltd against Kirklees Council. This application is the subject of a separate Decision.

Main Issue

9. Prior to the opening of the Inquiry the Council withdrew its third and fourth reasons for refusal. The main issue, therefore, is:

   - Having regard to the identification of the site as Provisional Open Land (POL) in the development plan, whether its proposed release for residential development is justified by housing land supply considerations, including the need to take account of such concerns as prematurity and conflict with the plan-led approach to site identification.

   I have also had regard to my duty under s66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* to have special regard to the desirability of preserving the setting of the Grade II listed Lower Blacup Farm.

Reasons

Background

10. The appeal site comprises a roughly rectangular parcel of land measuring about 2.4ha, situated on the western side of Cleckheaton. The site slopes significantly downhill from south to north with the northern boundary being

delineated by the Blacup Beck. The land is divided into small fields that comprise open pasture used for grazing. The vehicular access from Ashbourne Way to Lower Blacup Farmhouse crosses the site; this track is also a public footpath. The footpath then heads off uphill in a south westerly direction. The site adjoins detached and semi-detached dwellings in Ashbourne Drive, Ashbourne Way, Ashbourne View and Ashbourne Croft to the east while to the south are further dwellings in Penn Drive. To the west lie Lower Blacup Farmhouse and its outbuildings as well as further agricultural land while to the north, on the other side of the beck, are small employment units. The site is therefore surrounded on three sides by built development.

11. It is proposed to develop the site for housing. The indicative layout plan shows how 53 dwellings could be accommodated on the site. This layout also shows that there would be two vehicular access points that would be from the ends of existing culs-de-sac in Ashbourne Drive and Ashbourne View. The existing track to Lower Blacup Farm and the public footpath across the site would be retained. Areas of open space would be provided within the site, including land adjacent to the beck and adjacent to the listed Farmhouse. The layout shows a mix of detached and terraced houses.

Planning policy

12. The development plan for the area comprises the saved policies of the *Kirklees Unitary Development Plan 1999* (the UDP). The only development plan policy cited in the reasons for refusal is Policy D5. The Proposals Map identifies that the site comprises most of an area identified as POL. Policy D5 sets out the types of land use that are permissible on sites designated as POL; these uses do not include residential use. The permissible development is restricted to that required in connection with established uses, changes of use to alternative open land uses or temporary uses which would not prejudice the contribution of the site to the character of its surroundings and the possibility of its development in the longer term.

13. Paragraph 2.15 of the UDP says that POL sites are judged to be capable of development either now or when new infrastructure such as roads and sewers can be provided. It adds that the aim of the designation is to maintain the character of the land at least during the period until the plan is reviewed when it will be considered for allocation for development. Paragraph 2.16 says that reviews of the UDP are required at least every 5 years. The UDP, which is dated March 1999, has not been reviewed.

14. The land to the west of the appeal site is identified on the Proposals Map as being Urban Greenspace. This land is protected by saved Policy D3 of the UDP. Paragraph 2.11 says that in order to safeguard such sites it will be appropriate to resist development proposals except those which would maintain or enhance a site's value as open land. The Foreword to the UDP says that with regard to the supply of housing land, the plan covers the period 1 April 1993 to 1 April 2006. It acknowledges that some of the housing allocations were developed before 1 March 1999.

15. The UDP was due to be replaced by the *Local Development Framework Core Strategy* (the CS) and an allocations document. The CS was submitted to the Secretary of State on 2 April 2013. However, due to issues concerning the duty to co-operate and the soundness of the housing strategy, at a meeting of the Full Council on 23 October 2013 (less that a week before this Inquiry

opened) the Council resolved to withdraw it. According to the SoCG this followed a recommendation from the CS Inspector to do so. At that meting the Council also resolved to prepare a revised CS and in the first instance base the revised proposals on the RSS housing requirement of 1700 dwellings per year. It is also set out in the SoCG that the Council now agrees that, measured against this RSS requirement, it does not have a five year housing land supply. This position is wholly contrary to the Council's proof of evidence to this Inquiry in which it is stated that the Council can demonstrate a 5 year land supply. As set out above, the Council did not defend this proof of evidence at the Inquiry.

Whether the release of land for residential development is justified

16. Paragraph 49 of the *National Planning Policy Framework* (the Framework) says that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Paragraph 215 of the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

17. Notwithstanding the Council's initial stance, it is now accepted by all parties that there is a less than five year supply of housing land in Kirklees. The appellants argue that the actual supply is either 2.2 years or, at best, 3.3 years; whichever figure is used the undersupply is significant. The Council has failed to carry out the regular 5-year reviews of the UDP; the housing policies in the plan were due to last only until 2006. They are now clearly well out of date and it is unlikely that they will be formally reviewed for some time. The Council has resolved to withdraw the emerging CS and it seems unlikely that there will be a replacement plan in place much before 2018. In the meantime there is an insufficient supply of housing land.

18. The POL was so designated long before the Framework was published. Nonetheless, POL performs much the same function as safeguarded land as described in paragraph 85 of the Framework. This says that local planning authorities should make clear that safeguarded land is not allocated for development at the present time and that planning permission for permanent development should only be granted following a local plan review. This is similar to paragraphs 2.15 and 2.16 of the UDP.

19. The Framework makes it clear that where there is an insufficient supply of housing land there is a presumption in favour of sustainable development. Paragraph 14 of the Framework says that where the development plan is absent, silent or relevant policies are out-of-date local planning authorities should grant planning permission unless either the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or where specific policies in the Framework indicate otherwise. In respect of this latter point, it identifies various policy areas that need to be considered. While this is not a closed list it is pertinent that neither POL nor safeguarded land is included in the list; nor is any other land designation where future development is intended or contemplated.

20. The benefits of the development are relatively clear-cut. The site would provide a deliverable supply of much-needed land for housing in an area where

there is no identified five-year supply. This benefit carries very significant weight in favour of the development. Concerning the Framework's presumption in favour of sustainable development, it sets out three dimensions to sustainable development: economic, social and environmental.

21. The appellants have demonstrated that the development would fulfil an economic role by providing housing in an area where there is an acknowledged shortfall of housing land. This would bring economic benefits to the area including jobs and investment during the building phase; a financial benefit for that Council under the New Homes Bonus Scheme as well as other economic benefits for the surrounding area. These benefits include traffic calming in a nearby road and a financial contribution towards primary education.

22. The social benefits include supporting the local community with a development that is within walking distance of the town centre. The evidence shows that the development would be sustainable in location and accessibility terms. The provision of units of affordable housing would provide further social benefits. In environmental terms the Phase 1 Habitat Survey confirms that the site does not provide an exceptional habitat for any species. The masterplan indicates a buffer strip along the Blacup Beck. The identification of the land as POL indicates that the Council considered it suitable for development at some time. I am satisfied that the development would be sustainable within the terms set out in the Framework.

Prematurity

23. The reasons for refusal included concern that the release of the land for development at this time would conflict with the Framework as the development would be premature in advance of a local plan review and that it would conflict with one of the core principles that says the planning should be genuinely plan-led. Concerning prematurity, The *Planning System: General Principles (2005)* says that it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared or is under review. However, it goes on to say that where a DPD is at consultation stage, with no early prospect of submission for examination, refusal on prematurity grounds will seldom be justified.

24. This Council has resolved to withdraw its emerging CS; there is no prospect of a replacement in the foreseeable future. The scale of the development is not so substantial that granting permission would prejudice the outcome of the CS process. It is acknowledged and agreed by the parties that there is no five year housing land supply. The land has already been identified as being suitable for development through the UDP process and the Council has failed to demonstrate how granting permission now for this development would impact at all upon the DPD process. The shortfall in deliverable housing land is immediate and the need for homes is pressing; there is no suggestion that taking this land out of POL and developing it now would prejudice the future five year housing land supply. In these circumstances I can give no weight to the Council's concerns about prematurity.

Plan-led approach

25. With regard to the Council's assertion that the development would be contrary to the Framework as that document says that planning should be genuinely plan-led, it is certainly the case that this is one of the core principles set out in

paragraph 17. However, as set out in *Tewkesbury BC v SoS CLG, Comparo Ltd & Welbeck Strategic Land LLP [2013] EWHC 286 (Admin)* the core principles must be read in the context of the Framework as a whole. The Hon Justice Males stated that the context includes the presumption in favour of sustainable development (Framework paragraph 14); the requirement to boost significantly the supply of housing (47); the need for a five-year supply of housing land (47) and the corresponding injunction that policies for the supply of housing should not be considered up-to-date if a five-year supply cannot be demonstrated (49); and the confirmation of the principle of prematurity (216).

26. In this case, however, there is the reasonable expectation of the local community that this land will only be released for development through a review of the UDP. The fact that this review is long overdue and there is now insufficient housing land does not override the wording of the adopted policy. I acknowledge that the cited policy now carries less weight than if it was in full compliance with the Framework. Nevertheless, the conflict with the adopted policy carries weight against the development in the overall planning balance.

Effect on the setting of a listed building

27. The appeal site lies immediately to the east of Lower Blacup Farmhouse, a Grade II listed building that is divided into three dwellings. Lower Blacup Farm remains a working farm; the appeal site is currently rented to that farm. The listing description says that the building dates from the seventeenth century although the lower block is slightly more recent. The development would have no impact on the fabric of this designated heritage asset.

28. The proposed development would have some impact upon the setting of the farmhouse insofar as its surrounding farmland would be reduced in scale and there would be new houses built much closer to it than at present. Given its historic, and existing, role as a working farm the proximity of new development would affect its setting. The revised indicative site layout shows an undeveloped buffer between the Farmhouse and the new development. The access drive to the property also serves as a public footpath. The main public views of the building are from this access drive and from the footpath as it heads uphill towards the southwest. The indicative site layout plan submitted with the application showed a house to be sited close to the southern side of the access track; this would have interfered with views of the building when approaching the property along the access drive/ public footpath.

29. The revised indicative layout plan involves the removal of three houses from close to the western boundary of the appeal site. Two are relocated elsewhere in the site. The resultant provision of an open area close to the Farmhouse would act as a buffer between the new housing and the heritage asset. Nonetheless, the encroachment of the housing much closer to the Farmhouse would result in some ham to the setting of this designated heritage asset. However, that harm would be less than substantial. In such circumstances paragraph 134 of the Framework says that the harm should be weighed against the public benefits of the proposal.

30. The public benefits of the proposal include the provision of new housing in an area that lacks a five-year supply of deliverable housing land. This benefit, on its own, is sufficient to outweigh the harm. It also has to be seen in the context that the Council has previously identified that the appeal site may come forward for housing development through its allocation in the

development plan as POL. I conclude that the benefits outweigh the limited harm to the setting of this heritage asset.

Other material considerations

31. I acknowledge that the loss of this area of open land will harmfully impact on the living conditions of nearby residents, and in particular the occupiers of the 30 or so dwellings that directly overlook what is currently open farmland. The proposed houses will harmfully impact upon the views from many of these houses. However, the impact of a development on private views is not a matter to which I can attach much weight. In any case the details of the scheme will be the subject of further consultation in due course; the indicative layout is partly to demonstrate that the proposed number of dwelling can be accommodated and is subject to change at the detailed stage.

32. Concerning traffic generation, it is common ground between the principal parties that the road network can accommodate the anticipated additional traffic. The *Highways & Transport SoCG* makes it clear that a wide range of facilities can be accessed on foot, by bicycle or by public transport. The traffic calming measures proposed for the northern end of Quaker Lane are not being provided due to any accident record. The measures are to ensure that the road remains safe for drivers and pedestrians.

33. With regard to the effect on wildlife, the appellants have produced Phase 1 Habitat Survey and bat activity surveys. The linear habitat provided by the wildlife corridor associated with Blacup Beck is to be retained with the indicative masterplan showing a substantial buffer between the Beck and the proposed houses. Neither the Council nor Natural England raised any objections in this regard.

34. Various comments have been made concerning the viability of Lower Blacup Farm. However, no evidence has been submitted to show that without the appeal site, which is rented by the farm, the farming enterprise would be unviable or that the loss of these fields would result in any need to significantly change existing farm practices. In the absence of any such evidence, the speculation concerning its viability cannot carry much weight.

35. Nearby sites were advocated for housing development as they comprise brownfield land. In particular the land on the southern side of Westgate, to the north of the appeal site, has been advanced as a better site. However, I understand that it is still partly occupied by B2 industrial units and that no residential development can take place until these businesses have been relocated. There is currently no timetable for this to take place. Other sites in and around the town centre have not come forward for residential or mixed use developments, possibly due to ownership difficulties. A conversion scheme to provide apartments close to the town centre seems to have stalled; the appellants produced evidence to show that developers do not consider that there is a market for such units at present.

Conditions

36. An agreed list of conditions was submitted to the Inquiry. Subject to a few minor corrections and amendments that were discussed at the Inquiry, these conditions have been imposed on this permission. Landscaping conditions are necessary to ensure that the landscaping scheme is carried out in a timely manner and in the interests of the visual amenity of the area. The reference to

Himalayan Balsam is in the interests of eradicating invasive species and enhancing biodiversity. The public open space needs to be provided, equipped and maintained in the interests of the living conditions of future residents.

37. The bat roost cavities/ boxes and the bird nesting cavities/ boxes are required to compensate for any loss of bat roosting sites and bird nesting sites as a result of this development. Details of foul, surface water and drainage are necessary as no such details have been submitted. A site investigation and any consequent remedial works are necessary in the interests of the living conditions of future residents. The area immediately to the east of Lower Blacup Farmhouse needs to be kept clear of dwellings and gardens to protect the setting of this heritage asset and to avoid potential nuisance to future residents of the proposed houses from operations on the farm.

Section 106 agreement

38. The s106 Agreement makes provision for affordable housing, an education contribution and traffic calming. The Agreement provides for 9 of the dwellings to be affordable dwellings with the tenure split to be submitted to and approved by the Council. This quantity of affordable housing has been agreed with the Council following a viability assessment. There is no doubt that affordable housing is much needed in the area.

39. The education contribution of £130,966.00 is for the provision or improvement of primary educational facilities at Heaton Avenue Primary school. The contribution is phased with half payable on the occupation of the first market dwelling and the second half on the occupation of the 22nd market dwelling. This school lies within half a mile of the appeal site and it is probable that children from the appeal site would attend that school. The traffic calming measures are to take place in the northern, one-way, section of Quaker Lane. This is a long straight road without footways and it is designed to keep traffic speeds down. This road is very close to the appeal site and forms part of an obvious link from the appeal site to Westgate (A643) to the north.

40. I am satisfied that all three elements are necessary to make the development acceptable in planning terms; are directly and fairly related to the development and are fairly and reasonably related in scale and kind to the development. They conform to the requirements of Regulation 122 of the *Community Infrastructure Levy Regulations 2010* which are re-stated in paragraph 204 of the Framework.

Conclusions

41. I have taken into account all the other matters raised in the written representations and at the Inquiry. In favour of the development is the fact that the site has been identified through the UPD process as being suitable for development. Although not stated in the policy, the implication based upon the Council's interpretation of its future use in housing land supply figures and the nature of the surrounding land uses is that the development would comprise housing. The SoCG now states that the Council has no five-year housing land supply; this site could make an immediate contribution towards overcoming that shortfall.

42. The lack of a five-year supply, on its own, weighs in favour of the development. In combination with other paragraphs in the Framework concerning housing delivery the weight is increased. The lack of a five-year supply also means that

policies in the UDP concerning housing land are out of date. Policy D5 clearly relates to housing and so it, too, is out of date and its weight is reduced accordingly. This significantly reduces the weight that can be given to the policy requirement for there to be a review of the plan before the land can be released. In these circumstances, the Framework's presumption in favour of sustainable development is engaged. For the reasons set out above, the development would fulfil all three dimensions of sustainable development as set out in the Framework.

43. Against the development is the argument that planning should be genuinely plan-led. This approach enables local residents to have a direct say in how their surroundings are shaped. That is a clear expectation set out in the policy and its supporting text. There has been no review of the policy and so there has been no reassessment of the land to determine whether it should be released for housing. The effect of this, however, has to be seen in the context that this is a relatively small site. It would only provide 53 or so of the 8,500 houses that the RSS figures indicate would be needed over the next 5 years; well under 1%. Its release would not prejudice the emerging CS.

44. There would also be some limited harm to the setting of a Grade II listed building, Lower Blacup Farmhouse. However, as set out above and as agreed by the main parties, subject to the imposition of a suitable condition requiring the provision of a buffer zone adjacent to it, the harm would be less than substantial and so needs to be weighed against the benefits of the development.

45. In conclusion, therefore, the immediate need for land for land for housing and the absence of a five-year supply of such land clearly tip the balance in favour of the development. Notwithstanding the provisions of Policy D5 of the UDP, other material considerations outweigh the policy conflict and the appeal is allowed.

Clive Hughes

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Alan Evans	Of Counsel; instructed by Legal Services, Kirklees Council

The Council called no witnesses

FOR THE APPELLANT:

Richard Sagar	Partner, Walker Morris, Solicitors
He called	
Jonathan Dunbavin BSc MCD MRTPI	Director, ID Planning Ltd
Philip Owen BEng (Hons) MICE MIHT	Director, Optima Highways and Transportation
Mike Bottomly BA (Hons) MSc Urb Cons MRTPI	Managing Director m.b. Heritage & Planning Ltd

INTERESTED PERSONS:

Cllr John Lawson	Ward member, Kirklees Council
Cllr Andrew Pinnock	Ward member, Kirklees Council
Cllr Kath Pinnock	Ward member, Kirklees Council
Sue Howard	Local resident; representing Residents' Committee
Colin Berry	Local resident; representing Spen Valley Civic Society

DOCUMENTS

1 Council's notification letter and list of persons notified
2 Statement of Common Ground
3 Highways and Transportation Statement of Common Ground
4 Rebuttal to Council's evidence concerning highways and transportation by Philip Owen
5 Opening submissions on behalf of the appellants
6 Written statement by Sue Howard (on behalf of local residents)
7 Three plans and Cleckheaton Town Centre survey form submitted by Colin Berry on behalf of Spen Valley Civic Society
8 Policy D3 of Kirklees UDP
9 Letter dated 29 October 2013 from N Saville
10 Letter dated 28 October 2013 from Derek Fletcher
11 Email dated 28 October 2013 from Cllr Charles Greaves
12 Completed Agreement under s106 of the Act
13 Summary of s106 Agreement
14 Letter dated 17 September 2007 from Secretary of State to Kirklees Council – extension of saved policies
15 Report to Kirklees Council 23 October 2013
16 Email dated 29 October 2013 from Richard Goodall to Cllr Andrew Pinnock
17 Schedule of agreed conditions
18 Closing submissions on behalf of the appellants
19 Application for costs on behalf of the appellants
20 Emails between Kirklees Council and ID Planning 26 & 28 March 2013

PLANS

A Site location plan
B Drawing No MASTERPLAN 01 – Illustrative masterplan
C Drawing No 10004-SK-01 Rev A – proposed traffic calming measures: one way northbound on Quaker Lane
D Drawing No P10 4343 01A - Illustrative masterplan submitted after application had been determined

ANNEX: List of Conditions (15)

1) Approval of the details of the layout, scale, appearance and the landscaping of the site (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced.

2) Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the layout, scale, appearance and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out in full accordance with the approved plans.

3) Application for approval of any reserved matter shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4) The development hereby permitted shall be begun either before the expiration of two years from the final approval of reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

5) Any planting, seeding or tree management works forming part of the landscaping scheme referred to in Condition 2 shall be carried out during the first planting, seeding or management season following the first occupation of development, or as otherwise may be agreed in writing by the Local Planning Authority, and shall be maintained for a period of five years from the completion of planting works. All specimens which die within this period shall be replaced on a like for like basis.

6) No material operation as defined in section 56*(4)* (a) - (d) of the Town & Country Planning Act 1990 shall be carried out to commence the development pursuant to this planning permission until arrangements for the provision of public open space to serve the development in accordance with the requirements of Policy H18 of the Council's Unitary Development Plan have been submitted to and agreed in writing by the Local Planning Authority. The arrangements shall cover the following matters:-

   a) The layout and disposition of the public open space.

   b) Provision of equipped play.

   c) Completion of the works to provide the public open space before the within the development is completed.

d) The mechanism for ensuring that the public open space will be available for public within perpetuity.

e) Maintenance of the public open space in perpetuity.

7) No development shall take place until a Landscape Management Plan to cover all areas within the site boundary excluding the cartilage of the dwellings, to include a timescale for implementation, has been submitted to and approved in writing by the Local Planning Authority. The principal aims of the Plan shall be to optimise long-term biodiversity interests and shall include proposals for the control of Himalayan Balsam along the banks of Blacup Beck. The measures contained in the Landscape Management Plan shall be implemented in accordance with the approved details and timescale, and the site shall be maintained in accordance with the principles of the Plan for the lifetime of the development.

8) Provision shall be made within the development (integral to the new-build and / or on retained existing mature vegetation) for a minimum of:

i) six new bat roost cavities / boxes features; and

ii) six new bird nesting cavities / boxes.

Any boxes should be of the Schwegler-type 'woodcrete' box type. The bat and bird cavities / boxes shall be installed prior to the occupation of the last market dwelling and shall thereafter be maintained in accordance with the Landscape Management Plan to be agreed as part of condition 7.

9) Prior to the commencement of development a plan shall be submitted to the local planning authority showing the location of the 450mm sewer where it crosses the site. No building or other obstruction shall be located over or within four metres either side of the centre line of the sewer as shown on that plan.

10) Development shall not commence until a foul, surface water and drainage scheme has been submitted to and approved in writing by the Local Planning Authority, such scheme to include:

i) Restricting surface water discharge to a maximum of 5 litres per second per hectare;

ii) A drainage scheme designed to attenuate flows generated by the critical 1 in 30 year storm event;

iii) Flows between the 1 in 30 and 1 in 100 year storm events shall be stored on site;

iv) Mitigation of risks of exceedance of a 1 in 100 year storm event and allowance for climate change, blockage scenarios on drainage infrastructure; and

v) Temporary surface water drainage for the construction phase.

No dwelling shall be occupied before completion of approved drainage works.

11) Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the Local Planning Authority.

12) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 11 development

shall not commence until a Remediation Strategy has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall also include a detailed strategy for remediation of the coal mining legacy issues that affect the site, and a timetable for the implementation and completion of the approved remediation measures.

13) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 12. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Unless otherwise agreed in writing with the Local Planning Authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.

14) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy a Validation Report shall be submitted to the Local Planning Authority. Unless otherwise agreed in writing with the Local Planning Authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

15) The area to the east of Lower Blacup Farmhouse, shown hatched on the attached illustrative master plan ref: P10 4343 01A dated 21/8/13, shall be kept free from the erection of dwellings and any associated residential curtilage space (excluding parking or incidental landscaping).

REDROW
CLIENT:
REDROW HOMES
PROJECT:
LAND OFF ASHBOURNE DRIVE, CLECKHEATON
DRAWING OF:
ILLUSTRATIVE MASTERPLAN
DRAWING NO:
P10 4343 01A
DRAWN BY:
BMS
SCALE:
1 : 1000@A3
DATE:
21.08.13
John R Paley Associates
www.jrpassoc.co.uk, tel - 01924 383322
0 20 40 60
(metr s)
PROPOSED RESIDENTIAL DEVELOPMENT
LAND OFF ASHBOURNE DRIVE, CLECKHEATON