



Supporting Planning and Heritage Statement

**Proposed dwelling on land at
Broadyards, 289 Oxford Road,
Gomersal, BD19 4JP**

Date: Oct 24

Reference: TP1524

1.0 Introduction

- 1.1 This Supporting Planning Statement is submitted by **D5 Town Planning Consultants** on behalf of Mr & Mrs David Green and seeks planning permission for the erection of a detached dwelling with an attached garage in the garden of Broadyards, 189 Oxford Road, Gomersal, BD19 4JP.

2.0 Site description

- 2.1 The application site lies within the settlement of Gomersal. The site is situated off Oxford Road and is currently occupied by Broadyards, a detached dwelling with access from Oxford Road, and an attached cottage, accessed off Grove Lane.



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- 2.2 The area is residential in character with residential properties on all four sides of the site. The site lies within the Gomersal Conservation Area.

3.0 Relevant Planning History

- 3.1 Application 2006/95233 - *ERECTION OF DETACHED DWELLING WITH INTEGRAL GARAGE (WITHIN A CONSERVATION AREA)* – GRANTED 29 JUNE 2007

*NOTE A MATERIAL START WAS MADE ON THIS PERMISSION BUT HAS NOT BEEN FULLY IMPLEMENTED. FURTHER DETAILS IN THIS REPORT.

4.0 Relevant Planning Policy

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

4.2 ***Kirklees Local Plan Policies***

- ***LP1 – Achieving Sustainable Development***

- ***LP2 – Place Shaping***

- ***LP7 – Efficient and effective use of land and buildings***

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- ***LP11 – Housing mix and affordable housing***
- ***LP20 – Sustainable Transport***
- ***LP21 – Highways and Access***
- ***LP22 – Parking***
- ***LP24 – Design***
- ***LP30 – Biodiversity & Geodiversity***
- ***LP35 – Historic Environment***
- ***LP52 – Protection and Improvement of Environmental Quality***

Other Guidance Documents:

- *Housebuilders Design Guide Supplementary Planning Document (2021)*
- *Kirklees Highway Design Guide (2019)*
- *Nationally Described Space Standards*

4.3 *National Policies and Guidance:*

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, and the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

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The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications. Most specifically in this instance, the below chapters are of most relevance:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

5.0 Application details and Supporting comments

- 5.1 The application seeks planning permission for the erection of a detached dwelling with an attached garage. As can be seen from the planning history detailed above, planning permission was granted in 2007 for a detached dwelling on the site the subject of this application.
- 5.2 Although the 2007 planning permission has not been completed, a material start was made in that foundations were excavated and inspected by Kirklees Building Control and the boundary wall adjacent to the proposed entrance off Grove Lane was lowered as part of the conditions set out in the decision notice.
- 5.3 A building control application was submitted with Ref: 2009/76/02039/E on the 7th September 2009 with a decision status of “ACKNOWLEDGE RECEIPT WITH COMMENTS” and Inspection Status as “ Commenced”.

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Application details

- Application number - 2009/76/02039/E
- Location - 289 Oxford Road Gomersal Cleckheaton
- Development - 1 No Dwelling
- Application type - Building Notices
- Date received - 07/09/2009
- Decision date - 17/09/2009
- Decision status - ACKNOWLEDGE RECEIPT WITH COMMENTS Buildi
- Inspection status - Commenced

Plans and drawings

ⓘ Information

To measure distances in these measure-enabled PDF plans, please see the [measuring instructions](#).

To view the plans and documents you need [Adobe Reader](#) [↗](#) installed on your computer.

Documents

- close all

• Decision Notice (1)

- [Decision Notice \[id 364462\]](#) 17/09/2009 - SL011 -B.N Ackn Letter with observations

5.4 This is a material consideration in considering the current planning application.

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- 5.5 The dwelling was intended for an elderly family member but circumstances changed and the project was put on hold, The applicants would now like to build the dwelling for themselves with other family members remaining in Broadyards. However, the approved dwelling does not meet their requirements hence this application for a different design.
- 5.6 Whilst a S73 application could have been submitted to vary the approved plans, the decision has been made to apply for a new planning permission.

Principle of Development, Heritage and Design

Housing Supply

- 5.7 The site is without notation on the Kirklees Local Plan. 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.
- 5.8 Policy LP1 goes on further to stating that: “The Council will always work pro-actively with applicants jointly to find solutions which mean that the proposal can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area”.
- 5.9 In this case, the application site is unallocated land in a residential area. As such, it is appropriate to consider the Local Planning Authority’s overall housing position. The Council are unable to demonstrate a 5 year housing supply and have commenced a full

review of the Kirklees Local Plan. The new Labour government have announced challenging housing targets that will inevitably result Kirklees having to provide greater housing numbers than presently required.

- 5.10 Policy generally seeks to support residential development upon unallocated sites. The principle of developing one dwelling on this site has already been assessed and considered acceptable under application 2006/95233.

Conservation Area Setting

- 5.11 Due to the sites position within the Gomersal Conservation Area Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 needs to be considered which advises that development should preserve and enhance a conservation area and its setting.
- 5.12 Paragraph 194 of the National Planning Policy Framework (NPPF) states “In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.”
- 5.13 Paragraph 195 of the NPPF states “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.”

- 5.14 Policy LP35 and Chapter 16 of the NPPF is also relevant which seeks to ensure that heritage assets such as conservation areas are protected and enhanced. This is also supported by the Housebuilders Design Guide SPD. There is no appraisal available for the Gomersal Conservation Area, however the town has an extensive and rich history. Gomersal also has many fine and historic houses which climb the hill of Spen Lane and along Oxford Road towards Birkenshaw. The recent redevelopment of the former police station on the adjacent site, by virtue of its high-quality finish, illustrates how high quality design is necessary for development within the Gomersal Conservation Area.
- 5.15 Paragraph 197 of the NPPF states that:” In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 5.15 Paragraph 199 goes onto state “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 5.16 There is an extant permission that could be implemented but the proposed dwelling represents an improvement to that scheme albeit being of a similar scale and massing. It provides an opportunity to build a lifetime home embracing energy efficiency initiatives.
- 5.17 Taking all this into account, the proposal is considered to ensure that the conservation area is protected and enhanced in accordance with Local Plan policy LP35, the Housebuilders Design Guide SPD and Chapter 16 of the NPPF. In accordance with paragraph 200 of the NPPF the development would not result in harm to any heritage asset and no further justification (paragraph 202) is required.

Design

- 5.18 Local Plan Policy LP24 states that all proposals should promote good design by ensuring the following: ‘the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape’ and that ‘extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers’.
- 5.19 As detailed above, the scheme is very similar in scale and massing and location to the extant permission approved application under 2006/95233. As detailed in the accompanying design & Access Statement, the proposed design is considered visually attractive and will harmonise with the surrounding historic built environment. The proposal is deemed to comply with LP24 of the Kirklees Local Plan, the Housebuilders Design Guide SPD and Chapter 12 of the National Planning Policy Framework (NPPF).

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Impact on Residential Amenity

- 5.20 The National Planning Policy Framework (NPPF) states that Local Planning Authorities should seek to achieve a good standard of amenity for all existing and future occupants of land and buildings. This is echoed within Kirklees Local Plan Policy LP24 which states that: - 'proposals should provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary'. The Key Design Principles of the Housebuilders Design Guide SPD help to implement these policies.
- 5.21 The location of the proposed dwelling is as per the extant planning permission and would have no impact on the residential amenity of neighbouring dwellings. The scheme can therefore be considered to ensure the same level of amenity for neighbouring occupiers as existing in accordance with Local Plan policy LP24, Chapter 12 of the NPPF and the Housebuilders Design Guide SPD.

Impact on Highway Safety

- 5.22 Access to the site will be from Grove Lane as per the extant planning permission. As required by that permission, part of the wall on Grove Lane has been lowered to provide adequate visibility.

Ecology

- 5.23 A PEA accompanies the submission. The scheme will be a Self-Build project so is exempt from BNG requirements.

6.0 Concluding comments

- 6.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.
- 6.2 In assessing the application against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development.
- 6.3 We trust you are able to support the application but please do not hesitate to get back to us if you have any queries.