

# PLANNING STATEMENT

THE CROFT, 150 DENBY LANE,  
UPPER DENBY, HD8 8UN

REDEVELOPMENT OF SITE (INCLUDING  
DEMOLITION OF EXISTING BUILDINGS) TO  
PROVIDE TWO RESIDENTIAL DWELLINGS  
(USE CLASS C3) WITH ASSOCIATED PARKING  
AND LANDSCAPING PROVISION

JANUARY 2024

NL JONES  
PLANNING

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## 1. INTRODUCTION

1.1. This Planning Statement (the Statement) has been prepared by NL Jones Planning, on behalf of the applicant, Mr & Mrs Summers, and is submitted in support of a full planning application (including demolition in a conservation area) relating to land at 150 Denby Lane, Upper Denby, HD8 8UN.

1.2. The full application seeks planning permission for the following proposal:

*Redevelopment of site (including demolition of existing buildings) to provide two residential dwellings (Use Class C3) with associated parking and landscaping provision.*

1.3. Specifically, the proposal is for two new self-build homes that will be occupied as homes by the applicant and family as their sole or main residence.

### STATEMENT CONTENT

1.4. This Statement provides an assessment of the application site and its context, details of planning policy context, information on the application proposals and scheme design, and an assessment of the proposal within the relevant policy context.

1.1 This Statement should be read in conjunction with the documentation submitted in support of this application. The full application comprises:

<b>Document /Title</b>	<b>Author</b>
Planning Application Forms	NL Jones Planning
Planning Drawings: <ul style="list-style-type: none"><li>• Location Plan 0400</li><li>• Proposed Site Plan 0401</li><li>• Street Scene 0402</li><li>• House Type 1 - Basement Plan 0403</li><li>• House Type 1 - Ground and First Floor Plan 0404</li><li>• House Type 1 - North and South Elevations 0405</li><li>• House Type 1 - East and West Elevations 0406</li><li>• House Type 2 - Basement Plan 0407</li><li>• House Type 2 - Ground Floor Plan 0408</li><li>• House Type 2 - First Floor Plan 0409</li><li>• House Type 2 - East and West Elevations 410</li><li>• House Type 2 - North and South Elevations 0411</li><li>• CGI visuals Views 01 - 06</li></ul>	CODA Bespoke

Planning Statement	NL Jones Planning
Design and Access Statement	CODA Bespoke
Heritage Statement	MB Heritage
Drainage Strategy	Vision Design Group
Coal Mining Risk Assessment	Geoinvestigate Ltd
Preliminary Ecology Appraisal	Estrada
Tree Survey and Arboricultural Impact Assessment	AWA

1.5. The content of the Statement is as follows:

- Assessment of the site and its context
- Planning history
- The proposal
- Pre-application consultation
- Planning policy context
- Key planning considerations
- Conclusions

## 2. THE SITE AND SURROUNDINGS

- The Site**
- 2.1. The site is located to the north side of Denby Lane, within the small village of Upper Denby. It comprises a broadly rectangular residential plot (Use Class C3) of approximately 2,205sqm (0.54 acres / 0.22 ha)
  - 2.2. The site supports a modest chalet bungalow with garage and other outbuildings, almost centrally located within the plot, as shown below. Vehicular access, from Denby Lane, is to the west of the plot frontage, with a separate pedestrian access to the dwelling to the east. The property is enclosed by stone walls to all four boundaries
  - 2.3. The property has been vacant for at least 10 years and, consequently, it is in a poor state of repair. The garden includes many trees, including some large and mature trees, but is neglected and has become overgrown, with a consequent detrimental impact on the street scene.

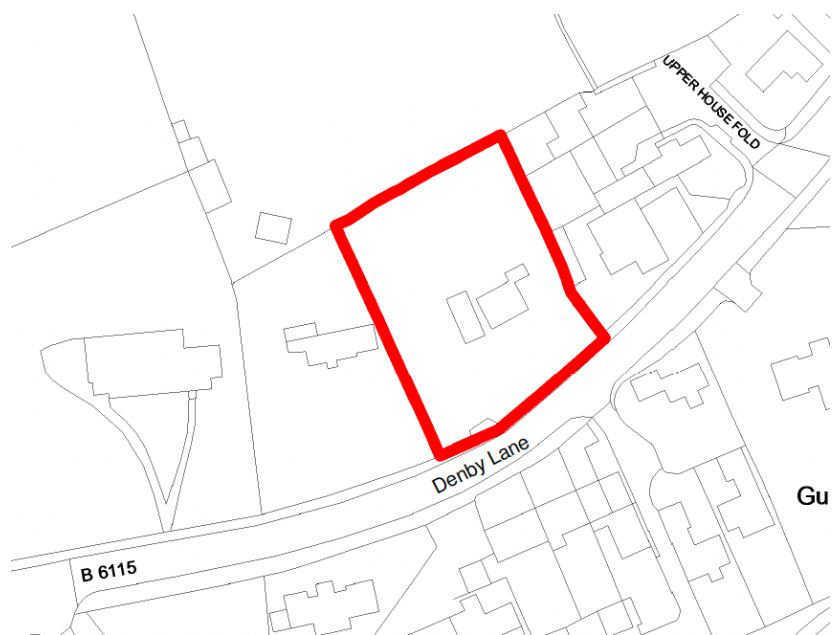


Figure 1 - Site Location

### Surroundings

- 2.4. The rear of the plot backs onto the Denby Cricket Ground. Residential properties are located to the east, west and opposite, to the south side of Denby Lane, and include a mix of both detached and terraced properties.
- 2.5. The local vernacular is characterised by residential properties constructed in traditional materials, primarily comprising natural stone, with stone tile roofs. Properties are a mix of

large, detached buildings and groups of buildings and smaller cottages and terraces, with no overall uniformity or forming any established building line. Some properties are set well back within their plots (such as Gunthwaite View to the east, and no. 152 to the west of the site), while others are close to, or abut, the highway (such as nos. 138, 142, and 146 Denby Lane).

- 2.6. Typical detailing includes dental courses, exposed joists, stone quoins and stone lintels. Stone boundary walls, together with mature trees and vegetation also contribute to the high quality aesthetic and overall attractiveness of the village.
- 2.7. The site is located within the Upper Denby Conservation Area which extends in a broadly northeast to southwest direction as shown below. The Church of St John, located to the west of the site, is a Grade II listed building. Additionally, Manor Farm, which is located to the northern extent of the conservation area is Grade II listed.

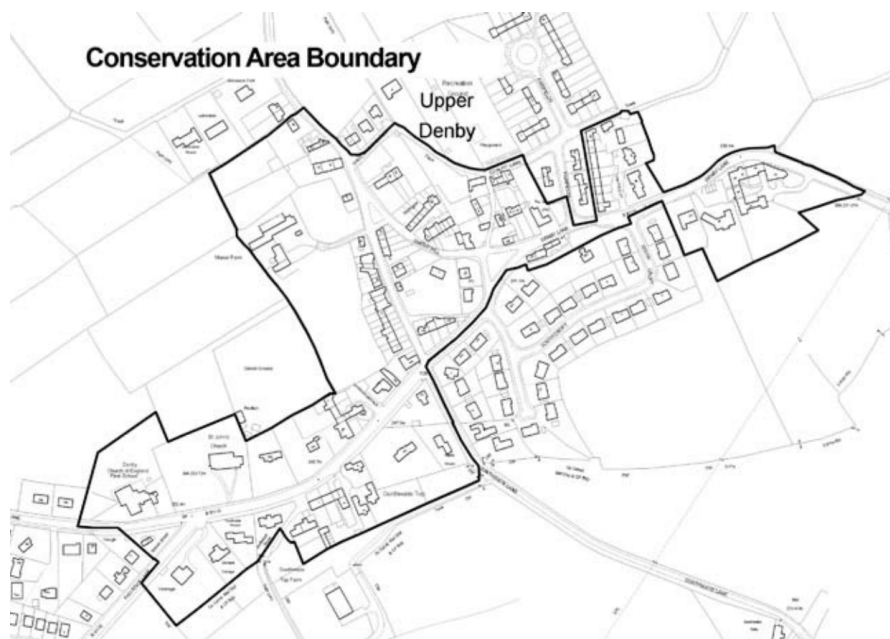


Figure 2 - Extract from Upper Denby Conservation Area Appraisal

- 2.8. There are no other listed buildings or other non designated heritage assets close to, or within proximity, of the application site. A full assessment of the potential impacts on the historic environment arising from the proposal is provided in the Built Heritage Statement submitted with the application.
- 2.9. Neither the site, nor adjacent properties, are subject of any Tree Preservation Orders albeit that trees are protected by virtue of the conservation area status. The site falls within a

Strategic Green Infrastructure Area / Network and a Minerals Safeguarding Area (as confirmed within the Kirklees Local Plan Proposals Map).

2.10. The site is within Flood Zone 1 (as shown below) and therefore has a low probability of risk from flooding from rivers. Nor is it at risk from surface water flooding.

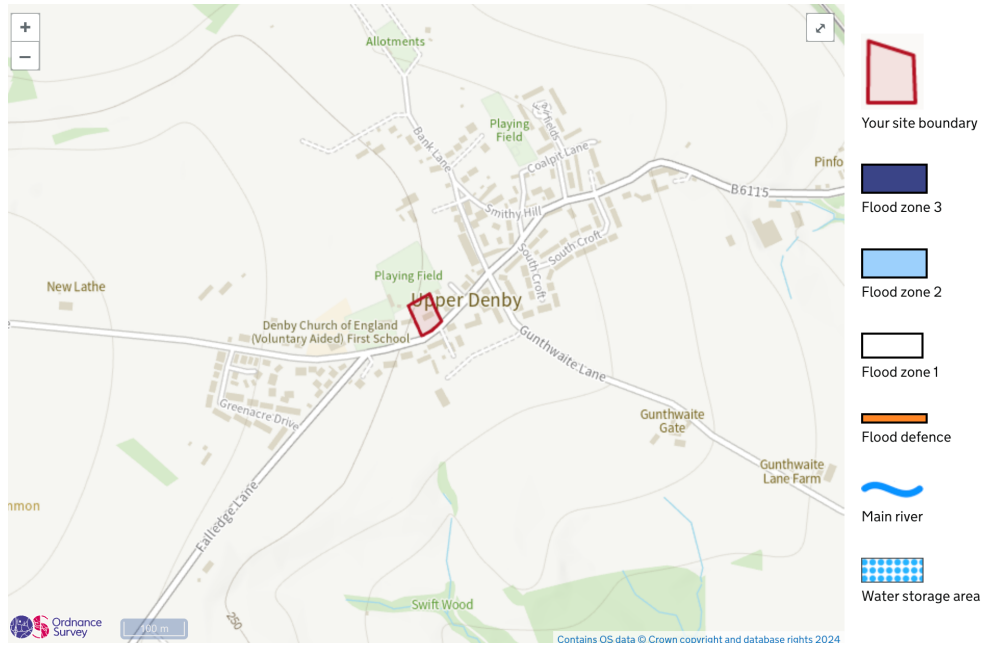


Figure 3 - Flood Map for Planning

### **3. PLANNING HISTORY**

- 3.1. The Council's on-line planning register for the site has been reviewed and no records are identified for the property.
- 3.2. Of relevance is a planning application relating to a property on Smithy Hill. Planning permission was granted in June 2018 (Ref: 2018/90216) and subsequently amended in 2020 (Ref: 2020/91190) for the demolition of an existing dwelling and erection of detached dwelling with integral garage within the conservation area. This development has recently been completed and includes large glazed contemporary elements, including within the front elevation.

## 4. THE PROPOSAL

- 4.1. This application seeks full planning permission for the redevelopment of the existing site to provide two new residential dwellings (Use Class C3) with associated parking and landscaping provision.
- 4.2. The proposed dwellings comprise two large, detached properties providing accommodation within basement, ground and first floors. The dwelling located towards the front of the plot (House Type 1) comprises 4 bedrooms; the dwelling located towards the rear (House Type 2) comprises 5 bedrooms.
- 4.3. Both properties include an integral garage; House Type 1 can accommodate 2 cars within the garage (with parking to the front); House Type 2 can house at least 3 cars (with parking to the front).
- 4.4. The new dwellings are orientated on a south east to north west axis which closely reflects the orientation of other properties, in particular, the older dwellings to the south of Denby Lane and to the east of the site.
- 4.5. The properties are positioned within the plot to seek to maximise the available space to create generous gardens and landscaping around each of the houses, commensurate with the size of the dwellings, whilst seeking to ensure the new dwellings do not breach the recommended policy and guidance with respect to separation distances from neighbouring properties.
- 4.6. The proposal will create two high quality dwellings that offer a more contemporary style. Nonetheless, the scale, form, materials and detailing seek to ensure the dwellings are sympathetic to, and complement, the local vernacular and thereby preserve the character and appearance of the Upper Denby Conservation Area.
- 4.7. The vehicle access to the two dwellings will utilise the existing access onto Denby Lane. The existing pedestrian only access will be removed and existing stone wall made good. Additionally, all existing stone wall boundaries will be retained.
- 4.8. The scheme seeks to retain as many existing trees as possible, including all trees assessed as having high landscape amenity value. A Landscape Plan is submitted with the application showing the proposed location for replacement trees and new planting, which will include native species.

4.9. The scheme proposes to utilise a range of energy saving technologies including passive heating and lighting, solar panels and high efficiency air source heat pumps. A detailed drainage strategy is included with the application to demonstrate surface water run-off will meet the requirements of the Lead Local Flood Authority.

## **5. PRE-APPLICATION CONSULTATION**

5.1. National and local planning policy and best practice guidance advocates that applicants should undertake pre-application consultation with the Local Planning Authority to inform application proposals. The applicant has therefore engaged with Kirklees Council Officers to seek pre-application advice, prior to formal submission.

5.2. NL Jones Planning, on behalf of the applicant, therefore submitted a pre-application request for advice in February 2024, based on a 2-unit scheme, followed by a written response from the Planning Officer, received in June 2024. The key points of feedback received during this pre-application consultation process are summarised below.

### **Principle of Development**

5.3. The principle of demolishing the existing building is acceptable, provided the replacement dwellings are of high quality and respect the local vernacular. The target density set in policy LP7 (at 35 dph) indicates 8 dwellings could be supported on the site. However, because the area is characterised by large, detached dwellings within spacious gardens, the principle of two dwellings is considered appropriate.

### **Heritage Impact and Design**

5.4. The existing dwelling holds no architectural or historical interest. Nor is the listed St John's Church read in context with the site. The conservation area is characterised by groups of former stone-built farm buildings and terraces, with simplistic styling, low pitched roofs, modest and sporadic window openings, and traditional features.

5.5. The proposed dwellings include high chimney stacks, tall and narrow gable-ends, a flat roof, floor to ceiling fenestration, and high amounts of glazing. Plot 1 is set close to the roadside and will reduce the sense of space within the immediate area. The dwellings would therefore appear at odds with the prevailing character of the immediate area and would neither preserve nor enhance the setting of the conservation area.

### **Residential Amenity**

5.6. The Kirklees Housebuilders Design Guide provides guidelines for separation distances between new dwellings and exiting properties and between habitable windows. The proposal meets these guidelines.

- 5.7. The proposed new dwellings will exceed the minimum requirements in respect of both internal floorspace standards and private outdoor amenity space. The proposed development is therefore considered acceptable in terms of residential amenity.

#### **Highway Safety**

- 5.8. Vehicles should be able to turn and exit the site in a forward gear. The proposal accords with Kirklees Highway Design Guide in terms of car parking provision. Bin storage and pick up points should be indicated on the plans.

#### **Environmental Matters**

- 5.9. The site is in a Site of Special Scientific Interest (SSSI). A Preliminary Ecological Appraisal should be provided with any application.
- 5.10. If the application requires a Biodiversity Net Gain (BNG) uplift, the application should be supported with a baseline assessment of existing biodiversity, undertaken by an ecologist. In any event the scheme will be required to provide biodiversity enhancements in accordance with policy.
- 5.11. The proposal will result in significant reduction of tree coverage on the site. The Tree Survey and AIA is considered to make a fair assessment of trees. Any future proposal would need to be accompanied by a high quality soft landscape scheme that includes new hedgerow and tree planting to help mitigate for loss from the site.
- 5.12. The site is within a high-risk coal mining area. A Coal Mining Risk Assessment (CMRA) should be included with an application.
- 5.13. The development is near to Denby Cricket Club. A noise impact assessment should be provided to assess the impact of noise on future residents.

#### **Response to Pre-Application Advice**

- 5.14. In response to the advice received, the proposal has been amended. Key changes are as follows:
- The position and orientation of the dwellings has been adjusted. Plot 1 is rotated and sits 'square' to Plot 2. It is thereby set further back from the highway (by between 5m - 8m). Previously it was approximately 2.75m.
  - The footprint of Plot 1 is 'swapped' to place the gable end to the north side of the dwelling, away from the highway.

- The overall scale and form of both dwellings has been amended to reduce the height of the gable ends, by approximately 1m, with lower eaves. The large expanse of flat roof (Plot 1) has been removed.
- Chimneys have been removed.
- The fenestration and large areas of glazing has been significantly modified, removing most of the floor to ceiling glazing from the principal front elevations and replacing with more traditional, smaller windows with stone surrounds.

5.15. In addition, the following should be noted.

5.16. A CMRA is submitted with the application.

5.17. According to Kirklees Local Plan Proposals Map the site is NOT within a SSSI. A Preliminary Ecological Appraisal is nonetheless provided in support of the application. This identifies any relevant designations. It also confirms the site is not within a SSSI.

5.18. The application is for a self-build proposal. Consequently, the application is exempt from the BNG requirements. Nonetheless, the proposal seeks to support the provision of biodiversity enhancements as part of the development as indicated in the supporting Landscape Plan, which includes the recommendations of the Preliminary Ecological Appraisal.

5.19. The requirement for a noise assessment is set out in Kirklees 'Validation Requirements for the Submission of Planning Applications'. It states a noise assessment will be required for all applications involving noise sensitive development (including residential) adjacent to major roads or other industrial / commercial noise sources. The site is an existing residential property within a small village that backs onto a cricket ground. Adjacent residential properties also back onto the grounds. The cricket ground is neither a commercial nor industrial use, nor does it generate significant noise. The proposal does not change the existing relationship and there is no justification for a noise assessment.

5.20. The above points are discussed in greater detail in the Section 7.

## **6. PLANNING POLICY CONTEXT**

- 6.1. Planning Law (Section 38(6) of the Planning Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990) require that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **THE NATIONAL PLANNING POLICY FRAMEWORK (2024)**

- 6.2. The Framework sets out the Government's planning policies for England and how these should be applied. The Framework must be taken into account in preparing the Development Plan and is a material consideration in planning decisions.
- 6.3. The Framework sets out at Paragraph 7 that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without comprising the ability for future generations to meet their own needs.

### **The Presumption in Favour of Sustainable Development**

- 6.4. The Framework therefore includes, at its heart, a presumption in favour of sustainable development.
- 6.5. For decision taking the presumption in favour of sustainable development means approving development proposals that accord with an up to date development plan without delay, or where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting planning permission; unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole (Paragraph 11).

### **Decision-Making**

- 6.6. Paragraph 39 states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way and that decision makers at every level should seek to approve applications for sustainable development wherever possible.

## **Delivering a Sufficient Supply of Homes**

- 6.7. The delivery of a supply of housing represents a high priority for Government. The role that small and medium size sites, including windfall sites, bring to housing delivery is recognised in the Framework at paragraph 73. Specifically, it confirms local planning authorities should support opportunities for custom-build and self-build housing and the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.

## **Making Effective Use of Land**

- 6.8. The need to also make effective use of land, while safeguarding and improving the environment, is confirmed at paragraphs 124 and 125 of the Framework. Paragraph 125 states that planning policies and decisions should give substantial weight to the value of using brownfield land within settlements for homes (and other identified needs) and support the development of under-utilised land and buildings, especially if this would help meet identified needs for housing.
- 6.9. Whilst the Framework encourages the effective use of land that avoids building at low densities, Paragraph 129 advises that policies and decisions should also take into account the desirability of maintaining an area's prevailing character and setting and securing well-designed, attractive and healthy places.
- 6.10. In terms of design, the Framework states that the creation of high-quality buildings, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development; it creates better places in which to live and work and helps make development acceptable to the communities (Paragraph 131).
- 6.11. Paragraph 135 states that planning policies and decisions should ensure that developments, inter alia:
- Will function well and add to the overall quality of the area, not just for the short term, but over the lifetime of the development.
  - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change, and
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

## THE DEVELOPMENT PLAN

6.12. The statutory Development Plan for Kirklees is the Kirklees Local Plan (adopted February 2019).

6.13. The Policies Map confirms the site is unallocated land in the Local Plan. Policies considered most relevant to the determination are as follows:

**LP 1 - Achieving Sustainable Development** sets the presumption in favour of sustainable development in accordance with the NPPF.

**LP 2 - Place Shaping** seeks to ensure all new development builds on the strengths and opportunities identified in the Local Plan whilst protecting and contributing to the identified character of places.

**LP3 - Location of New Development** requires that new development reflects the settlement size and function. It confirms development will be permitted where this supports, inter alia, the delivery of housing in a sustainable way.

**LP7 - Efficient and Effective Use of Land and Buildings** seeks to ensure a net housing density of 35 dph is achieved to make the most efficient use of land, unless this would be harmful or detract from the character of the area.

**LP11 - Housing Mix and Affordable Housing** seeks housing that is of a high quality design and provides for mixed and balanced communities in line with latest evidence of housing need. It also confirms support for self-build housing.

**LP21 - Highway Safety** confirms that new development will be permitted where safe and suitable access to the site can be achieved for all people and where the residual cumulative impacts are not severe.

**LP22 - Parking** advises that car parking for new development will be determined by availability of public transport, location and accessibility of the site, local car ownership and the use proposed.

**LP24 - Design** sets out various design principles to ensure development achieves a high standard of design.

**LP28 - Drainage** confirms that the presumption is that Sustainable Drainage Systems (SuDS) will be used which requires a minimum 30% reduction in surface water run-off for brownfield sites where previous positive surface water connections from the site can be proven and new water connections will be subject to at least greenfield restrictions.

**LP30 - Biodiversity and Geodiversity** advises that the Council will seek to protect and enhance the biodiversity of Kirklees. Development proposals should minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements where opportunities exist.

**LP33 - Trees** seeks to ensure that proposals retain any valuable or important trees where they contribute to public amenity or to the environment.

**LP35 - Historic Environment** advises that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset and ensure proposals within conservation areas conserve those elements which contribute to their significance.

**LP53 - Contaminated and Unstable Land** states that land that is unstable and / or suspected of being contaminated due to its previous history or geology will require the submission of an appropriate contamination and / or land instability risk assessment.

6.14. In addition to the above, Kirklees Council has prepared Supplementary Planning Guidance (SPD) which represents a material consideration in the assessment of the application. The following are relevant:

- Housebuilders Design Guide (June 2021)
- Highways Design Guide (November 2019)
- Biodiversity Net Gain Technical Advice Note (June 2021)

6.15. The Nationally Described Space Standards (March 2015) are also relevant.

6.16. In addition, the Council's latest evidence on housing need, The Strategic Housing Market Assessment (SHMA) 2016, is a material consideration, albeit that this is now under review

to support ongoing work to begin preparation of a new Local Plan. Nonetheless, the current SHMA identifies a need for a range of housing, including large family homes (4+ bedrooms).

#### **SUMMARY**

- 6.17. The above review of national and local planning policy confirms there is no policy basis that would preclude the development of the site for residential use, in principle.
- 6.18. Furthermore, the latest available evidence on housing need confirms a clear requirement for large family homes within Kirklees.
- 6.19. Therefore, subject to demonstrating that the proposal satisfies the development management policies outlined above, in respect of housing mix, design and heritage, residential amenity standards, car parking / highway impacts and environmental impacts, the application should be supported.
- 6.20. The principle of development and the individual merits of the proposal are reviewed fully, in the context of the planning policy framework outlined above and the pre-application advice received, in the next section.

## 7. KEY PLANNING CONSIDERATIONS

7.1. Based on the preceding review of relevant policies, and the pre-application advice received, it is considered that the following matters are key to the determination of this application:

- Principle of development
- Housing mix
- Design and heritage impacts
- Standard of accommodation and residential amenity
- Access, parking and highway impact
- Trees, ecology and biodiversity
- Flood risk and drainage
- Land stability and contamination

7.2. NPPF paragraph 11 and Local Plan Policy LP1 outline a presumption in favour of sustainable development (whereby net gains should be secured across three interdependent but mutually supportive economic, social and environmental objectives) and proposals that accord with relevant policies should be approved without delay.

7.3. In assessing the above, it is demonstrated that the proposal is fully in accordance with Kirklees Local Plan policies and represents sustainable development that achieves net gains across the three objectives.

7.4. These matters are addressed in turn below.

### PRINCIPLE OF DEVELOPMENT

7.5. It is confirmed, within the Local Plan Policies Map, that the site is not specifically allocated for development. The site nonetheless represents a preferred location for new development in accordance with the Local Plan Spatial Development Strategy and place shaping principles (as set out in Policies LP2 and LP3). It is an existing residential site within an existing settlement. The village includes a primary school, church, dentist, and pub, with bus services to nearby towns including Huddersfield, Penistone, and Holmfirth. In this respect, the site represents a sustainable location for new housing. The proposal reflects the settlement's size and function and will contribute to the distinctive character of Upper Denby.

- 7.6. Both national and local policies encourage the effective use of land that is compatible with local context, to help meet housing supply and demand. In this respect, Policy LP7 and the Housebuilders Design Guide SPD (Principle 4) seek a density target of 35 dwellings per hectare. However, the policy also advises lower densities may be appropriate where it is necessary to ensure development is compatible with its surroundings. The desirability to maintain an area's prevailing character and setting is also recognised in the Framework.
- 7.7. The site is within the Upper Denby Conservation Area which is characterised by large properties within spacious grounds (many comprising groups of converted farm buildings) together with smaller terraced housing. The site currently contributes to the leafy frontage and hedgerows that contribute to the street scene, which provide an attractive setting in this part of the conservation area. Whilst the site could potentially support a greater number of dwellings, the requirements for access, additional car parking and associated hardstanding, with further loss of vegetation, would likely detract from the character and appearance of the conservation area.
- 7.8. The proposal for new residential dwellings is therefore demonstrated to be acceptable, in principle, in land use terms and in terms of quantum of development. It complies with national and local spatial Policies LP2, LP3, and Policy LP7. This is also confirmed in pre-application advice.

#### **HOUSING MIX**

- 7.9. The proposal is for 2 no. self-build, family homes (Use Class C3).
- 7.10. The National Planning Policy Framework recognises that small developments, such as this, can make an important contribution to meeting the housing needs of an area. It also states that planning should deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities. The Framework specifically encourages local planning authorities to support opportunities the self-build housing, giving great weight to the benefits of using suitable sites within existing settlements for homes and this is reflected in Policy LP11.
- 7.11. The Local Plan, in setting out the issues facing Kirklees (Chapter 3) also confirms that houses of all sizes are needed if the housing needs of Kirklees are to be met. This is reflected in Policy LP11, which confirms that housing proposals should aim to provide a mix of housing suitable for different household types.

- 7.12. As previously noted, the latest evidence on housing need identifies a clear requirement for a range of housing, including larger family housing (4+ bedrooms). In this context, the proposal to provide a 4-bedroom and 5-bedroom dwelling will evidently deliver an appropriate mix of housing that will help to meet a specific identified housing need and will contribute to a sustainable, inclusive and mixed community.
- 7.13. The proposal is therefore fully in accordance with national policy, Local Plan Policy LP11 and the latest evidence of housing need for Kirklees.

#### **DESIGN AND HERITAGE IMPACTS**

- 7.14. The site is within the Upper Denby Conservation Area and therefore the proposal must address Policy LP35, which seeks to ensure new development maintains and reinforces local distinctiveness by conserving those elements which contribute to the significance of the Conservation Area.
- 7.15. Additionally, Policy LP24, together with the Housebuilders Design Guide SPD, sets out detailed requirements for achieving high quality design, including considerations of scale, density, layout, separation distances, materials, and internal and external space standards (see below).
- 7.16. Before progressing with a proposal for the redevelopment of the site, a heritage specialist, MB Heritage, was appointed to assess the significance, if any, of the existing buildings and land comprising the site and its setting and likely impacts from the redevelopment of the site on the Upper Denby Conservation Area. This is set out in the supporting Heritage Statement.
- 7.17. The following was confirmed:
- existing buildings within the site are not buildings of merit;
  - the site is not identified as an important open space within the conservation area;
  - it does not form part of, or facilitate, important views into or from the area;
  - it does not make a significant contribute to the setting of the Grade II listed buildings;
  - the dry stone boundary walling to the north and south are significant character elements,
  - trees and hedgerows contribute to the visual character of views along the lane, and

- the ongoing vacancy of the dwelling and unmanaged and overgrown condition of the site detracts from the character and appearance. The redevelopment will provide an opportunity to secure enhancement to the significance of the Conservation Area.

7.18. MB Heritage also identified key recommendations for any future development proposal at the site. It was recommended that:

- stonework and stone slate roof coverings should be retained and re-used where practical and materials should be in keeping with local vernacular;
- massing may be broken up with single storey elements such as garages,
- stone boundary walls to the north and south should be retained as far as practical;
- amenity value trees and shrubs within the site should be retained.

7.19. The approach to the design of the scheme therefore responds to the above assessment and is detailed in the supporting Design and Access Statement, by CODA Bespoke. As previously noted, the scheme has also been amended following the receipt of pre-application advice. In this context, the following should be noted.

#### **Position and orientation**

7.20. Originally, the scheme showed House Type 1 (HT1) located parallel to the highway, with House Type 2 (HT2) located to the rear, as illustrated below (Fig. 4). The pre-application feedback to the original proposal advised that HT1 is set close to the roadside which will reduce the sense of space in the immediate area. and it should therefore be set back to minimise its prominence from the public realm.

7.21. In this respect, as previously noted, properties within Upper Denby have little uniformity in terms of an established building line or positioning within their plots, with many examples of properties close to and abutting the highway, in proximity to the site (nos. 138, 142, and 146 Denby Lane), with others set further back, as demonstrated in Fig. 5 below. The sense of 'space' as described in pre-application feedback is therefore questioned.



Figure 4 - Pre-application scheme

7.22. Nonetheless, the position and orientation of HT1 has been amended to respond to this feedback, as illustrated below (Fig. 6). The orientation of HT2 has also been changed slightly so that it sits 'square' into its plot.



Figure 5 - Aerial view of site and Denby Lane. (Source Google Maps)

7.23. HT1 is positioned significantly further back from the highway (of between 5m - 8m). Its orientation now better reflects the general pattern of dwellings along this part of Denby Lane which all broadly align along a north west to south east axis (as opposed to being parallel to the road).



Figure 6 - Application scheme

#### Scale, form and massing

7.24. In terms of scale, the pre-application advice suggests the proposal is not of the same scale as the adjacent buildings. This is plainly incorrect. The adjacent house (No. 146) is a large property and together with its garage / outbuildings, has a footprint almost identical in size to the proposed HT1, as clearly demonstrated in Fig. 7 below. Furthermore, HT2 is comparable, in terms of its overall footprint, with that of Gunthwaite View, located near to the site to the south of Denby Lane, and Maple House on nearby Gunthwaite Lane. The proposal is therefore entirely consistent with the scale of the surrounding built environment.

7.25. Nonetheless, as previously noted, the following amendments have been made.

- The footprint of HT1 is 'swapped' to place the gable end to the north side of the dwelling, away from the highway. The effect is to reduce further, the extend of built form along the highway.
- The height of the gable ends, of both HT1 and HT2 has been reduced by approximately 1m, with consequent lower eaves, further reducing the overall height and scale of both dwellings.

- The large expanse of flat roof (HT1) has been removed.
- Chimneys have been removed, reducing the scale and massing of the development and again reducing the impact of the built form adjacent to the highway.

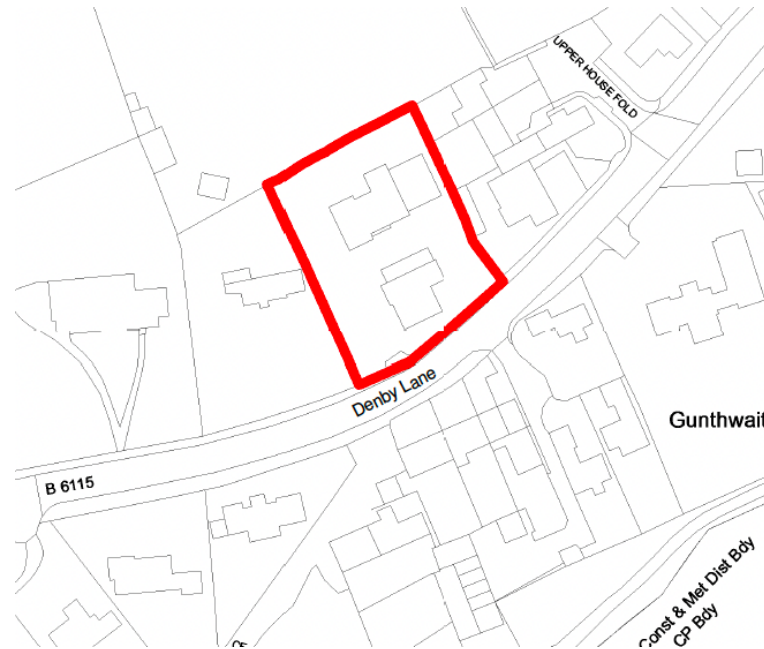


Figure 7 - Footprint of proposed scheme in context with surrounding development

7.26. These amendments are considered to fully address the concerns raised by the pre-application feedback and the proposal is thereby acceptable in terms of its scale, form and massing.

#### **Detailed design and materials**

7.27. The Design and Access Statement provides details of the proposed materials, to comprise, primarily, rough-hewn stone, with Ashlar stone detailing, and grey tiles, to match materials seen locally. Additionally, timber studs are proposed to create a vertical feature, providing a more contemporary touch to the farmstead style character. Existing materials may be repurposed, where possible, either as part of the construction of the dwellings or within the garden design.

7.28. The fenestration and glazing proposed for HT1 and HT2 has been significantly amended in response to pre-application advice. In this respect, full height glazing is confined to the rear elevations where it will not be visible from the public realm. Fenestration to the principal front elevations now includes modest rectangular windows with stone surrounds, in keeping with the local vernacular. This is considered to strike the right balance between respecting

the local character, whilst introducing a contemporary style to reflect modern day requirements for light and spacious interiors that allow unrestricted views out to the gardens.

7.29. In this respect, it is noteworthy that other properties within the Upper Denby Conservation Area benefit from similar levels of glazing. Maple House is located a short distance away on Gunthwaite Lane. Planning permission was granted for a two storey rear extension and single storey side extension in 2014 (Ref: 2013/93690).

7.30. The rear extension is a prominent and contemporary feature of the property, clearly visible from Gunthwaite Lane. It comprises a full two storey glazed extension, including glazing on both the return side elevations and across the roof (see Fig. 8 below)



Figure 8 - Maple House, Gunthwaite Lane (Source: Google Maps)

7.31. The permission also allowed for additional full height, two storey glazing across the remainder of the rear elevation as shown in extracts of the approved planning drawings below (Fig. 9).

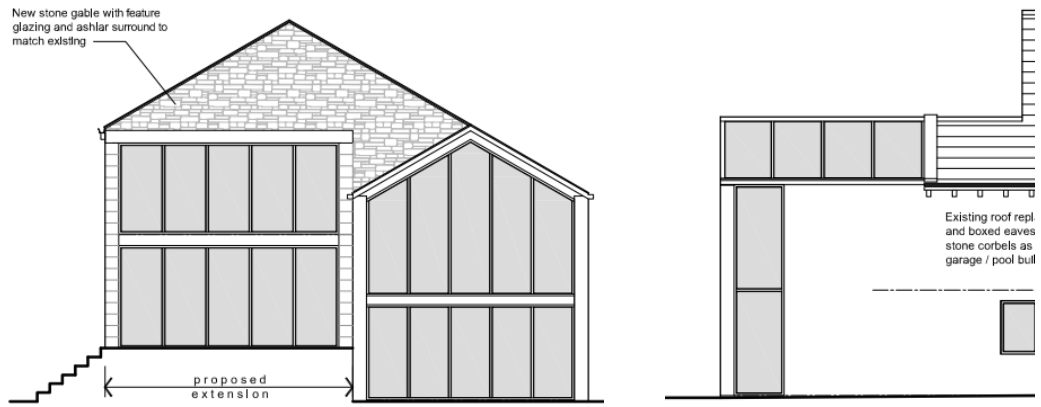


Figure 9 - Extracts of approved drawings Ref: 2013/93690

7.32. Additionally, a new property has recently been constructed at 1 Smithy Hill, following the granting of planning permission in 2018, with subsequent amendments in July 2020 (Ref: 2020/70/91190/E). Below are extracts of the drawings (Fig. 10) and a photo (Fig. 11).



Figure 10 - Extracts of approved drawings Ref: 2020/70/901190/E

- 7.33. This allows for full two storey glazing to the principal front elevation of the property, in addition to glazing almost the full extent of the ground floor rear elevation, with additional contemporary features including zinc lintels and mullions, and vertical timber detailing.
- 7.34. These examples demonstrate that a contemporary approach to the design of residential properties within the conservation area can achieve high quality development that is innovative, whilst remaining sympathetic and respectful to the character and appearance of the Upper Denby Conservation Area. These provide a clear precedent that supports the approach to the design of the proposed development at 150 Denby Lane.



Figure 11 - 1 Smithy Hill

### Landscaping

- 7.35. Details of the proposals for the hard and soft landscaping for the site are provided in the submitted Landscape Plan, with additional information about the impact of the proposal on existing trees provided in the Arboricultural Report (discussed further below).
- 7.36. In accordance with pre-application advice, the Landscape Plan confirms the stone boundary walls to the north, south, east and west will be retained. The existing pedestrian access from Denby Lane will be removed and the stone wall made good, using existing materials.
- 7.37. Driveways and paving within the site will be permeable.
- 7.38. The proposal seeks to retain as many trees as possible, including all those identified as having good or high quality value. In addition, the application proposes 7 no. new native trees, together with significant additional hedge planting (including native hedge species)

both within the site and along its boundaries. Significant shrub and herbaceous perennial planting will also be provided within the private gardens and frontages.

- 7.39. Overall, the landscape proposals for the development will retain trees and other vegetation and features that contribute most to the site. The proposals will also introduce new planting as part of a comprehensive landscape scheme that will enhance the setting of the site and its contribution to the character and appearance of the conservation area.
- 7.40. In conclusion, in design and heritage terms, it is demonstrated the proposal responds positively to the site's local context and the pre-application advice received. As confirmed in the Heritage Statement, the proposed development can be accommodated without harm to the significance of the Upper Denby Conservation Area or the setting of the Grade II Listed Church of St. John and Manor Farm. Furthermore, the new dwellings will provide an opportunity to secure a degree of enhancement to the character and appearance of the Conservation Area. The proposal satisfies national guidance and Local Plan Policy LP24, LP33 and LP35.

#### **STANDARD OF ACCOMMODATION AND RESIDENTIAL AMENITY**

- 7.41. As previously noted, Policy LD24 is also concerned with ensuring development provides high quality homes and a high standard of amenity, in terms of privacy, light, and outlook for both future and neighbouring occupiers, including maintaining appropriate distances between buildings; reducing the risk of crime; meeting the needs of a range of different users, including disabled people; and, designing buildings that are adaptable and able to respond to change.
- 7.42. The Housebuilders Design Guide SPD provides further guidance on achieving high standards of residential amenity, including separation distances between habitable windows, and internal / external space requirements.
- 7.43. In this respect, the proposal is for two self-build homes that will provide a very high standard of accommodation, with the applicants providing key inputs into the design of their future homes.
- 7.44. The proposed dwellings will be located within a generous site, with one perpendicular to the other. This layout ensures there are no facing windows between habitable rooms within the new properties and as such, fully comply with the separation distances advised within the Design Guide.

7.45. The dwellings are dual aspect with generous fenestration ensuring that all habitable rooms will receive good levels of daylight and sunlight.

7.46. Principle 16 of the Housebuilders Design Guide SPD requires that all new buildings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity. Internal space standards for new dwellings are set within the Nationally Described Space Standards and although not formally adopted by Kirklees Council, provide a guide. The table below sets out the NDSS minimum and the floorspace proposed.

	NDSS min GIA floorspace (sqm)	Floorspace proposal GIA excluding garages (sqm)
PLOT 1 - 4 bedrooms	130	407
PLOT 2 - 5 bedrooms	134	540

Table 1 - Internal Floorspace Provision

7.47. Similarly, there are no specific standards for external amenity space within the Local Plan or Design Guide, albeit that 'Principle 17' of the latter, advises that all new houses should have adequate access to private outdoor space that is functional and proportionate to the size of the dwelling and character and context of the site, and it should seek to maximise direct sunlight.

7.48. The new dwellings will benefit from large landscaped private gardens, of approximately 290sqm for Plot 1 and 630sqm for Plot 2, providing a generous amount of external amenity space, proportionate to the size of each home and which reflects the site's local context. The gardens will provide functional, useable gardens and will be designed to and laid out to maximise daylight and sunlight.

7.49. The position and orientation of the new dwellings has been carefully considered to ensure compliance with guidance provided in the Design Guide (Principle 6) to maintain and protect the residential amenity of neighbouring properties. This advises the following should be achieved:

- 21 metres between facing windows of habitable rooms at the backs of dwellings;
- 12 metres between windows of habitable rooms that face onto windows of a non-habitable room;

- 10.5 metres between a habitable room window and the boundary of adjacent undeveloped land; and
- for a new dwelling located in a regular street pattern that is two storeys or above, there should normally be a minimum of a 2 metres distance from the side wall of the new dwelling to a shared boundary.

7.50. The proposal fully complies with these requirements. Additionally, the two-storey element of each new dwelling has been positioned almost centrally within the site and thereby, well away from the boundaries with adjacent properties. This ensures the proposal does not appear overbearing, nor impacts to any significant level the amount of daylight and sunlight to neighbouring properties. It also ensures that privacy will be maintained by avoiding overlooking.

7.51. In summary, it is demonstrated that the proposed dwellings will offer a high standard of accommodation and amenity provision for future occupiers, in accordance with national and Local Policy LP24 and associated guidance. Additionally, the proposal will have no significant adverse impact on the residential amenity of neighbouring properties. This is confirmed in pre-application advice.

#### **ACCESS, PARKING AND HIGHWAY IMPACTS**

7.52. The proposal seeks the redevelopment of an existing residential site, replacing a single property with two dwellings. In this respect, it is proposed to utilise the existing access to serve both properties. The layout ensures that vehicles can easily turn and leave the site in a forward gear.

7.53. The proposal provides 3 off-street parking spaces (2 within the garage) for HT1 and a minimum of 6 spaces (with at least 3 spaces within the garage) for HT2.

7.54. Bin storage and collection points are shown on the Proposed Site Plan ref: 3245 / 0402.

7.55. The proposal is therefore considered to comply with Local Plan Policy LP21, LP22 and the Highway Design Guide SPD. It will not have an unacceptable impact on highway safety

#### **ENVIRONMENTAL ISSUES**

7.56. In support of the application, several technical reports have been commissioned to assess potential impacts of the development on environmental receptors and / or to ensure that future residents are not adversely impacted by existing environmental conditions.

### **Arboricultural Report and Impact Assessment**

- 7.57. As noted, the application site supports several mature trees and shrub planting. The trees benefit from protection under the Conservation Area status of the site. Accordingly, a Tree Survey has been undertaken to inform the design proposals. This survey identifies 1 no. 'Category A' tree (T9 - Sycamore) located to the rear of the site and 2 no. 'Category B' trees (T3 and T8 - both Sycamore), located close to the eastern boundary of the site (but within the neighbouring garden), to front and rear respectively. These trees are deemed to have a high and good amenity value and should be retained. All other trees within the site are classified as 'Category C', of low or average value.
- 7.58. The layout of the scheme therefore accommodates the three Sycamore trees, in addition to retaining as many other existing trees and hedges, where practical and desirable. In addition, the following should be noted:
- The encroachment into the RPA of the Sycamore 'T9' is minor (less than 5%). This is an acceptable degree of encroachment that will have no significant impact or cause harm to the tree.
  - This tree is also deemed to be at almost full spread. It will tolerate some pruning.
- 7.59. Together with new tree and hedge planting, the proposal ensures the site continues to contribute to the local distinctiveness of Upper Denby and the Conservation Area, which is characterised by mature trees and boundary hedges that make an important contribution to the attractiveness of the village, in accordance with Local Plan Policy LP33.

### **Biodiversity and Preliminary Ecological Appraisal**

- 7.60. The site comprises residential land with mature trees and vegetation that could potentially support protected species and other wildlife. Accordingly, in accordance with best practice guidance, Estrada were commissioned to complete a Preliminary Ecological Appraisal at the site.
- 7.61. The PEA identifies any suitable habitats for wildlife, provides mitigation measures required and additionally, recommends measures that could be included to demonstrate biodiversity enhancements.
- 7.62. These enhancement measures have been fully adopted within the proposals, as shown on the Landscape Plan, and include the following:

- 2 no. integrated bat boxes (1 box per dwelling)
- 2 no. bird boxes (1 per dwelling) to provide 1 no. integrated house sparrow nest box and 1 no. integrated swift box
- New native tree planting to replace felled trees, and
- New native hedgerow planting

7.63. The PEA also suggests boundary features should be kept partially open to allow small mammals, such as hedgehogs to pass. However, it is a heritage requirement to retain existing stone walls that almost fully enclose the site and as such, this recommendation is not practical. Nonetheless, the scope to introduce 'hedgehog tunnels' beneath the walls will be explored.

7.64. As previously confirmed, the application is for two self-build dwellings to be occupied by the applicant and family. Accordingly, the proposal is exempt from the Biodiversity Net Gain (BNG) requirements introduced in February 2024. A full BNG assessment is not therefore required for the proposed development.

7.65. It is nonetheless demonstrated that the scheme will provide biodiversity enhancements in accordance with Policy LP30.

#### **Flood Risk and Drainage**

7.66. It is confirmed the site is within Flood Zone 1 and therefore at low probability of risk from flooding. Policy LP28 relates to new development and requirements for the effective management of surface water run-off. It states that the presumption is Sustainable Urban Drainage Systems (SuDS) will be used.

7.67. A Drainage Strategy, by Vision Design Group Engineering, has been submitted in support of the application which confirms the proposed surface water drainage system is designed to incorporate SuDS principles and techniques to limit surface water discharge from the site. This seeks to restrict surface water run-off to mimic a pre-development greenfield situation.

7.68. An infiltration system and storage are proposed (subject to further ground investigations). In this respect, it is proposed to incorporate surface infiltration for driveways and paths, with any perched water collected via perforated pipes and discharged into the overarching drainage system, with a below-ground attenuation tank and a flow control mechanism to restrict the discharge to 2.5 l/s into the combined sewer on Denby Lane. This represents a

reduction of over 100% compared to the existing discharge from the current house. The design also includes provision of above ground SuDS features comprising water butts.

- 7.69. It is proposed that foul water drainage will connect to the existing Yorkshire water drain, located outside the property on Denby Lane.
- 7.70. The drainage strategy will meet the requirements of the Lead Local Flood Authority and Local Plan Policy LP28.

**Land Stability and Contamination**

- 7.71. The site is identified as lying within a high-risk coal mining area. In accordance with the requirements of Policy LP53, and pre-application advice, a Coal Mining Risk Assessment has been undertaken.
- 7.72. The assessment investigates the site-specific coal mining risks associated with historic coal mining in the area. The table below (Fig. 11) is an extract from the report that summarises the findings of the assessment. Essentially, only a low to medium risk is identified in respect of 3 of the 10 indicators. The assessment also confirms that these potential risks can be readily addressed through further investigation and, if necessary, routine engineering solutions. As such, there is no basis to withhold the granting of planning permission.

RISK ASSESSMENT & MITIGATION		
Coal Mining Issues/Hazards	Risk	Next Step Mitigation
Past underground coal mining	NONE	
Probable unrecorded shallow workings	M	Drilling to enable further assessment
Outcrop	M	Drilling to enable further assessment
Spine roadways at shallow depth	NONE	
Mine entries	NONE	
Geological faults, fissures and breaklines	NONE	
Mine gas	NONE	
Opencast mines within 500m	L	160m NE. Too distant to impact development
Coal mining subsidence claims within 50m	NONE	
Site investigations within 50m	NONE	
Likely Planning Decision	Yes/No	Reason
Is planning permission likely to be given with respect to coal mining legacy issues <b>CONDITIONAL</b> upon carrying out further intrusive investigation leading to possible building design mitigation at a future date but before construction begins?	Yes	Yes. Because the site is NOT impacted by known mine entry proximity hazard and the site-specific ground stability and possible mine gas risks to the proposed development identified in this CMRA <b>can be mitigated by further intrusive site investigation (and if required thereafter) further routine engineering solutions.</b>

Assessed risk level – High Medium Low. NONE

Figure 12 - Extract from Coal Mining Risk Assessment (Geoinvestigate Ltd)

## 8. CONCLUSION

- 8.1. This Planning Statement is submitted in support of a full application relating to 150 enby Lane, Upper Denby, HD8 8UN.
- 8.2. The Statement provides an overview of the application site, details of the application proposal, and pre-application consultation. It sets out the relevant planning policy context and provides an assessment of the proposals within this context.
- 8.3. The Statement forms part of the full planning application and should be read in conjunction with the plans prepared in support of the application, and supporting technical reports, which together outline and address the key considerations arising from the proposal.
- 8.4. The planning system operates on the basis that applications should be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise, and that Local Planning Authorities should approach decisions on applications for development in a positive and creative way and should seek to approve applications for sustainable development wherever possible.
- 8.5. In the case of this application, it has been identified that the key planning considerations relevant to the determination of the proposals can be summarised as follows:
- Principle of development
  - Housing mix
  - Design and heritage impacts
  - Standard of accommodation and residential amenity
  - Access, parking and highway impact
  - Trees, ecology and biodiversity
  - Flood risk and drainage
  - Land stability and contamination
- 8.6. The proposed development has therefore been assessed in detail against relevant planning policies, guidance, and material considerations. Following this assessment, it has been demonstrated that the application proposals are in accordance with the Development Plan, and other material considerations, including the NPPF.

- 8.7. In particular, the proposed development will provide a contribution towards the Borough's housing supply and help meet the housing needs of the borough, through the development of a sustainable site. It will bring back into beneficial use a site that has remained vacant for at least 10 years and in doing so, will contribute positively, by preserving and enhancing the character and appearance of the Upper Denby Conservation Area.
- 8.8. Consequently, the application can be approved without delay, as it is in accordance with national and local planning policy and guidance.