



**PEACOCK+**  
**SMITH**

The Leeds Diocesan Board of Finance  
Spenn Lane, Gomersal

## Planning Statement

*April 2025*

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### **Appendix 1: Historic maps of application site**

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## 1. Introduction

- 1.1. This report comprises a Planning Statement prepared on behalf of our client, The Leeds Diocesan Board of Finance, in support of a full planning application for the demolition of a vicarage at Spen Lane, Gomersal followed by the development of 10 no. apartments for independent living (Use Class C3) including an amended access onto Spen Lane.
- 1.2. The proposed development seeks to help meet the growing need for modern, high-quality accommodation for people with health and care needs in Kirklees.
- 1.3. The existing vicarage is surplus to Diocese requirements and the scheme will allow for a more efficient use of a previously-developed site for a beneficial use. The site is within the built up area of Gomersal and has good access to shops, services and public transport. It is therefore considered to be a sustainable location for new homes.
- 1.4. This application follows consultation with the local community (please see Section 3) and formal pre-application discussions with the Council. The design of the proposed development has been amended in the light of Officer comments received during the pre-application feedback.
- 1.5. The assessment of the proposed development should be considered in conjunction with a number of other reports prepared on behalf of the Diocese. These include:
  - Transport Statement by SLR Consulting;
  - Design and Access Statement by HB Architectural Services
  - Phase 1 Ground Report by Sirius;
  - Drainage Statement by AMA;
  - Climate Change Form by Coral Projects Ltd;
  - Ecological Appraisal and BNG Assessment by Quants Environmental; and
  - Arboricultural Survey and Impact Assessment by Quants Environmental.
- 1.6. The drawings that support the application are as follows:

- Location Plan (ref: 2926-01)
- Site Plan (ref: 2926-02F)
- Elevations (ref: 2926-04D)
- Plans and Sections (ref: 2926-03F)

1.7. The remainder of this Report is structured as follows.

1.8. Section 2: describes the site and discusses the planning history.

1.9. Section 3: describes the proposed development.

1.10. Section 4: sets out relevant planning policy.

1.11. Section 5: assesses the proposed development in light of relevant policy.

1.12. Section 6: summarises and sets out the overall planning balance.

## 2. Site Description and Planning History

### Site Location

- 2.1. The site is located centrally within the built up area of Gomersal (Kirklees District), south of Spenn Lane (see **Figure 1** below). Gomersal is approximately 9km south of Bradford and 14km south west of Leeds, positioned between Cleckheaton and Heckmondwike.



**Figure 1: Site Location**

- 2.2. Local facilities within a short walk of the site include a primary school, day nursery, cricket club, GP surgery, pharmacy, Sainsburys convenience store, fish and chips takeaway, public house, church and village hall.
- 2.3. There are bus stops located along both sides of Spenn Lane immediately outside the site providing regular connections to a range of destinations, including Leeds, Heckmondwike, Cleckheaton, Huddersfield, Halifax, Bradford and Dewsbury.

### Site Description

- 2.4. The site measures approximately 0.25 hectares, is regularly-shaped and generally level. It comprises a 2 storey 4 bed detached dwelling (with a floorspace of around 260 sq.m) of 1960s design set within spacious gardens that accommodate a number of trees, mostly on the boundaries of the site.

- 2.5. The existing dwelling is a redundant vicarage for the adjacent St Mary's Church, now surplus to the requirements of the owner, the Anglican Diocese of Leeds.
- 2.6. Access onto Spenn Lane is by private drive through an opening within a boundary wall along the northern boundary of the site. A further opening provides for pedestrian access.
- 2.7. The site surroundings are largely residential in character:
- To the north, is Spenn Lane, beyond which is an extensive residential area of mostly 2 storey housing;
  - To the east, is a further residential area of 2 to 3 storey housing;
  - To the west, is the grave yard of St Mary's Church and the church building. There is a dense line of mature trees along the boundary between the site and the grave yard;
  - To the south, the site bounds a residential estate of 2 storey properties on Shirley Grove. The nearest dwellings to the site have long gardens of approximately 27m in depth.
- 2.8. The site is not located within a Conservation Area, does not accommodate any Tree Preservation Orders and is within flood Zone 1, the lowest zone of fluvial flood risk.
- 2.9. In summary, the application site comprises a surplus vicarage dwelling located within the largely residential built up area of Gomersal. The site has good access to local facilities and is within close proximity to local bus services to a wide range of destinations. It is considered to represent a sustainable location for residential development in that regard.

### **Planning History**

- 2.10. The Council's public access records indicate that there is no recent planning history to the application site. The existing dwelling has been used as a vicarage for the adjacent St Mary's Church since the 1960s, but it is now no longer required for church purposes.
- 2.11. St Mary's Church is a Grade 2 Listed building.

### **3. Proposed Development**

#### **Background**

- 3.1. The existing vicarage at the application site is surplus to requirements, and the Anglican Diocese of Leeds wishes to make a contribution to local housing needs by making the land available for an independent living scheme. This will provide homes for local people with some additional mental or physical health needs, but who wish to live independently. The occupants will be diverse in age range and the apartments will be designed for single person and couple households.
- 3.2. Importantly, there will be no permanent care presence on site and all of the proposed apartments will have the amenities necessary for day to day independent living (i.e. kitchen, bathroom, living room and private garden space). Some residents may have care workers visit them on site from time to time, but no staff will be based on-site. As such, it has been agreed during pre-application discussions that the proposal represents a C3 Use Class.
- 3.3. The Diocese will retain the freehold of the apartments, and it is the intention that they will be made available at affordable rents. On grant of planning permission, the Diocese will seek to enter into an agreement with a Registered Provider (discussions are currently taking place with a number of potential Providers), who will manage and maintain the apartments. This will include management of the greenspace provided that does not form part of the private gardens to the apartments. This greenspace will be made available for communal amenity use and will include landscaping that will contribute to biodiversity and potentially areas for food production.

#### **Statement of Community Involvement**

- 3.4. The Statement of Community Involvement (SCI) shows that a leaflet outlining details of the proposals was circulated to 580 households in the area surrounding the site, and also local Ward Councillors. A public exhibition was held on 8 June 2024 at St Mary's Church, and a website was provided, detailing information about the proposals and inviting feedback.
- 3.5. Over 20 individuals attended the exhibition, and the feedback that the Diocese received about the proposed development, and the need for this type of housing, was overwhelmingly positive.
- 3.6. In addition, the Diocese has entered into pre-application discussions with the Council to discuss the proposals. This involved an initial meeting with Officers and written advice, following which the scheme was amended and a further meeting took place to review the changes.

### Details of Proposed Development

3.7. The planning application is submitted in full on behalf of the Leeds Diocesan Board of Finance. The application seeks permission for demolition of existing vicarage and erection of 10 apartments for independent living (Use Class C3) including amended access onto Spen Lane.

3.8. The key characteristics of the proposed development are as follows:

- Demolition of the existing vicarage building at the site.
- Relocation of existing northern boundary wall along the line of 2.4 x 4.3m visibility splays and creation of a new central access/egress with Spen Lane. The existing vehicular access will be utilised (in part) as a pedestrian entrance to the development.
- Development of a new single storey building on the site set back from Spen Lane. This will accommodate 10 apartments (each 51 sq/m net) accessed from a central spine and entrance facing Spen Lane. At the front of the building care and community spaces and utility stores will be provided.
- All of the apartments will meet the National space standard and Part M(3) of the Building Regulations in respect of accessibility. Each apartment will have a double bedroom, lounge, kitchen and bathroom with shower.
- Each apartment will have 32 sq.m of private outdoor space containing a patio and 4m long garden. The building will also be set within landscape gardens that will be available for common amenity benefit.
- Parking for 12 vehicles will be provided at the northern end of the site, which will comprise 1 space per apartment and 2 spaces for visitors. The spaces will include provision for EV charging. The car park will also include cycle shelters and a timber bin store for collection of refuse.
- Materials will include facing stone for the front elevation, buff brick, artificial stone and grey roof tiles.

- 3.9. Having regard to the above, further details of the proposed development are set out in the Design and Access Statement.

#### **4. Planning Policy Context**

##### **Development Plan Framework and 5 Year Housing Land Supply**

- 4.1. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act requires that planning decisions should be taken in accordance with the development plan unless material considerations indicate otherwise.
- 4.2. The statutory development plan for Kirklees District currently comprises the Kirklees Local Plan (February 2019).
- 4.3. Material policy considerations include the National Planning Policy Framework (December 2024) which is supported by Planning Practice Guidance (PPG).
- 4.4. The Council is in the process of preparing a new Local Plan. However, this is at an early stage and a full draft plan has not yet been published. Accordingly, no weight can be accorded at this point.
- 4.5. The Council's May 2024 Housing Delivery Test Action Plan indicates that the Council is unable to demonstrate a 5 year land supply. The stated supply is 3.96 years.
- 4.6. The application site does not constitute a sensitive area as defined by Footnote 7 of the NPPF. Given that the Council is not able to demonstrate a five-year housing land supply, paragraph 11(d) of the NPPF is engaged. This paragraph states that where there are no relevant development plan policies, or the policies that are most important for determining the application are out of date, which includes when the authority cannot demonstrate 5 years' worth of deliverable housing sites, then permission should be granted unless the application site is protected by policies set out in the NPPF, or whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard for policies in respect of sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.

##### **Kirklees Local Plan (February 2019)**

- 4.7. The Local Plan sets out the development strategy for the District between 2013 and 2031. The Local Plan Proposals Map confirms that the application site is not subject to any designations or allocations. The adjacent grave yard is designated as Urban Green Space.

- 4.8. The Spatial Development Strategy of the plan is that there will be a 'minimum' delivery of 31,140 dwellings between 2013 and 2031 (1730 dwellings/annum) through allocation sites and taking into account of windfalls, committed housing figures and losses/demolitions. Development is to be focused in the urban areas of Huddersfield and Dewsbury, but there should also be provision of housing in other settlements, including Gomersal (the approximate target for this settlement is 270 dwellings).
- 4.9. **Policy LP11 Housing Mix and Affordable Housing** seeks to achieve a mix of housing types, suitable for different households. This includes consideration of those with specialist needs. Para 8.32 of the supporting text to the policy also states that there is a specific need to provide for accommodation for those with disabilities, mental health issues and long term illnesses. Affordable housing is required for schemes of more than 10 dwellings, and so this element of Policy LP11 does not apply to the application.
- 4.10. In respect of other relevant development plan policies, we summarise these in the Table 4.1 below.

**Table 4.1: Relevant Local Plan Policy**

Policy	Summary
LP1 Presumption in favour of sustainable development	Mirrors the approach taken in National policy. See Para 4.14 below.
LP2 Place Shaping	All proposals should seek to build on the strengths, opportunities and help address the challenges identified in the plan.
LP3 Location of new development	Development should reflect the Spatial Development Strategy (see Para 4.8 above), presumption in favour of sustainable development and Policy LP2 Place Shaping.
LP7 Efficient and effective use of land and buildings	Seeks the efficient use of previously developed land in sustainable locations provided it is not of high environmental value. A density of at least 35 dwellings/hectare will be sought unless this is incompatible with the surroundings.
LP20 Sustainable travel	Proposals for new development should be designed to encourage sustainable modes of travel.
LP21 Highways and access	New development will be permitted where safe and suitable access to the site can be achieved and where the residual cumulative impacts of development are not severe.

LP22 Parking	Car parking in residential developments will be determined by the availability of public transport, the accessibility of the site, the location of the development, car ownership levels and the type, mix and use of the development. Provision should be made for cycles and the disabled.
LP24 Design	Seeks good, green, accessible, inclusive and safe design in new development proposals.
LP28 Drainage	Presumes in favour of the use of SuDS in new proposals. For proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where positive surface water connections can be proven. New connections to be subject to greenfield restrictions.
LP30 Biodiversity and geodiversity	Proposals should result in no significant loss or harm to biodiversity in Kirklees through avoidance, mitigation or as a last resort compensatory measures.
LP33 Trees	Proposals will need to comply with relevant standards regarding the protection of trees. Where trees loss is deemed to be acceptable development will be required to submit a detailed mitigation scheme.
LP35 Historic environment	Proposals affecting a designated heritage asset should preserve or enhance the significance of the asset (remainder of policy reflects National policy).
LP53 Contaminated and unstable land	Development on land that is unstable, contaminated or suspected of contamination will require the submission of an appropriate contamination assessment.

### National Planning Policy Framework

- 4.11. A revised version of the NPPF was published in December 2024 that sets out the Government's planning policies for England and how these are expected to be applied.
- 4.12. The following paragraphs of the NPPF are considered to be of particular relevance to this planning application.
- 4.13. **Para 7** of the NPPF indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. **Para 8** notes that the three inter-related dimensions to sustainable development are economic, social and environmental.

- 4.14. **Para 10** stresses that at the heart of the NPPF is a presumption in favour of sustainable development. **Para 11** goes on to say that, for decision-taking, this 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 permission unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance<sup>1</sup> provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes.
- 4.15. **Para 39** states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
- 4.16. **Para 61** supports the Government's objective of significantly boosting the supply of homes, and states that it is important that a sufficient amount and variety of land can come forward where it is needed. **Para 63** states that within the context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups include (inter-alia) people with disabilities.
- 4.17. **Para 73** deals with small- and medium-sized sites, and notes that they can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. **Para 73(d)** states that LPAs should support the development of windfall sites through policies and decisions, giving great weight to the benefits of using suitable sites within existing settlements for homes.
- 4.18. **Para 78** requires LPAs to identify and update annually a 5 year supply of specific deliverable housing sites.

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<sup>1</sup> None apply in this case.

- 4.19. In considering development proposals, **Para 116** 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, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 4.20. **Para 124** states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. **Para 125 (c)** states that decisions should give substantial weight to the value of using brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused. **Para 125(d)** states that decisions should promote and support the development of under-utilised land and buildings, especially if this would help meet identified needs for housing.
- 4.21. **Para 129** indicates that decisions should support development that make an efficient use of land.
- 4.22. **Para 131** places importance on good design. **Para 135** goes on to state that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users<sup>46</sup>; and where crime and

disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 4.23. **Para 187** states that planning policies and decisions should contribute to and enhance the natural and local environment. This includes minimising impacts and providing net gains for biodiversity.
- 4.24. **Para 196** indicates that decisions should ensure that a site is suitable for the proposed use taking into account ground conditions and any risks from land instability and contamination.
- 4.25. **Para 197** 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.
- 4.26. **Para 215** states that where a 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 use.
- 4.27. The **Planning Practice Guidance (PPG)** supports the NPPF and is also a material consideration.

## 5. Assessment of Key Issues

### Principle of Development

- 5.1. There are a number of reasons why it is considered that the principle of the proposed development is acceptable.
- 5.2. **Firstly**, the existing use of the site is residential (Use Class C3). The proposed development is therefore consolidating this existing use with a similar planning use, albeit one that makes a more efficient use of the land - which is encouraged by the Local Plan and the NPPF.
- 5.3. **Secondly**, there is a presumption in favour of the use of previously-developed land for new developments in both development plan and National planning policy. In particular, the revised NPPF indicates that substantial weight should be accorded to the use of such land within settlements to meet housing and other identified needs (see further comments on need below), unless substantial harm would occur. In this context, the application site is a previously-developed parcel of land; there is a need for additional housing in Kirklees (both general and more specialised forms of accommodation); and this statement shows that there is no evidence to suggest that any substantial harm would be caused to any other interests.
- 5.4. **Thirdly**, there is a shortage of modern, good quality accommodation in Kirklees to allow people with additional physical and mental needs to live independently. This is referred to in **Policy LP11** of the Local Plan, as explained at Section 4 of this Statement. The Council's Strategic Housing Market Assessment (SHMA) also refers to stakeholder comments that echo this need at Para 7.73:
- "In order to meet the requirements of people with additional needs (physical disabilities, mental health issues, etc), respondents suggested that more supported, shared housing could be provided. This could include, for example, independent living communities with a carer's flat or similar on-site resources. The importance of location was noted, allowing people to be in easy reach of families, friends and their support network."*
- 5.5. In addition, we note that the Kirklees Specialist Accommodation Strategy 2022-2030 states that by 2030 there is predicted to be a 27% increase in market demand for floating supported accommodation for adults living with mental health issues; and a 7% increase in demand for similar accommodation for adults with a physical or sensory impairment. Para 30.1 of the Accommodation Strategy concludes that there is a lack of local supported living options for

people with a physical disability – some younger adults are living in residential care when they would rather be living independently in the community.

5.6. **Fourthly**, there is also a general need for more housing in Kirklees, as demonstrated by the lack of a 5 year land supply. As explained at Section 4 of this Statement, that means that there is a presumption in favour of approval of these proposals, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This statement demonstrates that there is no evidence to suggest that such a negative planning balance would occur.

5.7. In the light of the above, we consider that there is a compelling case in respect of the principle of the proposed development at the application site.

### **Heritage Impact Assessment**

5.8. The application site does not contain any designated heritage assets.

5.9. The nearest designated heritage asset is the adjacent St Mary's Church and graveyard, which is Grade 2 listed. Historic maps (see **Appendix 1**) indicate that at the time of the construction of the church there are no buildings on the application site and no clear division between the site and the grave yard. However, any potential role that the site might have originally played in the setting of the church and grave yard has now been significantly diluted for the following reasons:

- There is a stone boundary wall and dense line of mature lime trees located between the graveyard and the application site (see **Figure 2** below), physically and visually severing the relationship between these parcels of land. This boundary will be unaffected by the proposals.



**Figure 2: Boundary between graveyard and application site**

- The stone boundary wall of the church and graveyard is clearly of a different style to that which fronts the application site, again emphasising that these parcels of land are not linked in historic or architectural terms.
- The construction of the vicarage dwelling on the application site in the 1960s domesticised it and added a building of no architectural distinction. Whilst the use of the building is a vicarage, outwardly it appears as brick-walled conventional dwelling that could be located anywhere in the Country (see **Figure 3** below). There is no historic or architectural link between the vicarage and the church.



**Figure 3: Existing vicarage building**

- 5.10. In the light of the above, it is considered the application site plays no significant role in the setting of the church and graveyard. Furthermore, as the existing boundary wall and dense tree line between the application site and the graveyard will be unaffected by the proposals, we consider that at worst there will be a neutral impact on the heritage asset, and it is arguable that there will actually be a positive impact because a) the existing two storey vicarage building will be replaced by a single storey building, more subservient in height to the church; and b) that new building will be far more attractive than the building to be demolished, with a design that has been influenced by the church and the historical concept of almshouses to create a series of gables along each side elevation.
- 5.11. Notwithstanding the neutral (and arguably positive) impact on the heritage asset, we consider that the proposed development will also give rise to a number of public benefits, as set out at Para 5.44 of this Statement, that further tip the balance in favour of the scheme.
- 5.12. In summary, we consider that the proposed development is compliant with policy within the NPPF and the development plan for the protection of heritage assets.

### Access and Highways

- 5.13. The Transport Statement reviews personal injury accident data and notes that the site is located in an excellent location in terms of road safety.
- 5.14. The site is surrounded by a network of interconnected public footpaths and is exceptionally well placed and in very close proximity to many local amenities, all located within a 5-minute walk of less. The site is in close proximity to a number of cycle routes for those that wish to use this transport mode. Bus stops are provided either side of Spenn Lane directly outside the application site, and these are visited by high frequency services to key employment and retail hubs such as Leeds, Huddersfield and Bradford. The Transport Statement concludes that the site is in a highly sustainable location, consistent with National policy.
- 5.15. In respect of access, the Transport Statement explains that this will be located at a central point along the site frontage, will be 6m wide and provide space for 2 cars to pass safely. Suitable visibility splays of 2.4m by 43m for the 30mph speed limit will be provided by setting back and rebuilding the existing boundary wall. The internal hardstanding area within the site will have a hammerhead design to facilitate access for all vehicles, including deliveries.
- 5.16. Regarding parking, the proposals provide for 1 space per apartment and 2 visitor spaces, in line with the Kirklees Highways Design Guide SPD. The parking arrangements have been tracked to show that vehicles can manoeuvre safely, and vehicles can exit and enter the public highway in forward gear. Bin stores and bin pull distance accord with local guidance.
- 5.17. The Transport Statement considers traffic generation, and estimates that there will be only a 0.29% increase in daily flows along Spenn Lane, which demonstrates that the proposed development will have a negligible traffic impact that will be unnoticeable on the ground.
- 5.18. In summary, the Transport Statement concludes that in the context of policy within the NPPF there will be no adverse vehicular or transport impact. By virtue of this we also note that there would be no conflict with Local Plan **Policies LP20, LP21 and LP22**.

### Design

- 5.19. The proposals provide for a far more efficient use of a previously-developed site in a sustainable location, as encouraged by National and Local Plan policy. The density of development will be 40 dwellings/hectare, which accords with the 'minimum' 35 dwellings/hectare sought by Local Plan **Policy LP7**.

- 5.20. The existing vicarage building is of no architectural merit, does not make an efficient use of the site and does not meet modern efficiency standards. The vicarage will be replaced with a much more attractive, lower profile, single storey building that seeks to respond to the local vernacular, and that has a design that has been influenced by the church and the concept of almshouses, as explained at Para 5.10 of this Statement. Furthermore, the extensive use of stone materials in the most prominent northern elevation of the building is more harmonious with the adjacent church and boundary walling along Spenn Lane.
- 5.21. The design of the building has been amended in light of Officer comments during pre-application discussions. Key changes that have been made include siting the building further away from the trees along the western boundary; reducing the roof height on the northern elevation; and providing for greater use of stone in the northern elevation in particular.
- 5.22. The siting of the building and the existing trees along the boundaries will ensure that the amenity of existing residents will be protected, as will the privacy of the occupants of the new apartments. The point at which the new building is closest to the site boundaries is on the southern elevation, where the gap will be 2m. However, there are no windows in this elevation, the garden lengths of the adjacent dwellings are around 27m and the boundary will be strengthened with a 1.8m high fence. Accordingly, the amenity of the dwellings to the south will be protected.
- 5.23. The proposed apartments will accord with the National Space Standard and also comply with Part M(3) of the Building Regulations in respect of accessibility, thus ensuring they are suitable for a wide range of users. All of the apartments will have generous private outdoor space provision, and occupants will additionally be able to use the communal garden space around the building for informal recreation and social interaction with other users of the apartments.
- 5.24. The proposed building has been designed to achieve a high level of efficiency, thus helping to minimise carbon emissions. Measures will include smart metering, low energy lighting, energy efficient white goods, low flush toilets, use of roof lights and large amounts of glass to promote natural light, double glazing and high levels of insulation. Subject to viability consideration will be given to PV panels on the roof, ground/air source heating and rainwater harvesting. EV charging for the proposed parking bays will promote use of electric vehicles.

#### Crime and Security

- 5.25. In respect of crime/security, the applicants have devoted significant time and resources to the layout and detailed external and internal design (common parts) of the flats, mindful of their

location and context. Drawings of these measures are included in the application. We set out below key measures to reduce the risk of crime as follows.

*Perimeter Security*

- 5.26. The drawings package that accompanies the application indicates with a colour Key the types and heights of perimeter walls and fencing.
- 5.27. The principal strategy is to limit opportunities for crime by defending access to the building and grounds, including gardens, and by reducing the visibility of any doorways.
- 5.28. This is in the context of continuous open access from the road for vehicles including refuse vehicles operated by the Council. Low level bollard lighting illuminates the car park discreetly at night.
- 5.29. Brick walls extend outward from the flanks of the building. These are solid and impermeable except for residents' controlled access gates either side. These solid gates afford key/code access to occupiers' bike shelters and are auto-closing. (Key access to the fire service will be designed in).
- 5.30. The main front door from the road is permanently locked shut (except in fire situations) and controlled by individual flat occupiers with video surveillance of visitors. There is another (second) interior door giving access to the corridor of flats. Shown on the drawings, this door is also locked (except in fire situations), with access protected by occupants.
- 5.31. The external perimeter to the churchyard retains the low stone wall for heritage and historical reasons, and to retain views outwards. However, in order to boost the security of this boundary, a tall, continuous chain link fence is proposed along it, situated within the site application boundary but away from (out of reach of) the stone wall. This fence is dark in colour and will appear transparent from a distance. It will have light foundations at intervals so as not to compromise any tree roots. There will be a service access gate in this fence, with keys available to the fire service.

*Individual Flats Security*

- 5.32. Each flat has its own perimeter fencing with access controlled from the inside. This ensures that doorways remain invisible to anyone looking in from the west (churchyard) side of the development.

5.33. Each flat has a covered porchway to the garden. This is for amenity and for open-air shading in high temperatures. This means the outside (garden) doors are perpendicular to the flank wall. To mitigate any risk this may pose for burglary, metal bar gates of a pleasing design will swing back to a fixed position, flush with the flank wall. The occupier can bolt these securely shut in their absence or at night.

#### *External Lighting*

5.34. Lighting design in the scheme avoids light pollution by pointing light downwards and away from people. Harsh floodlighting that can cause annoyance to others is avoided. Bollard or post lighting is situated in the public areas (car park and entrance zone). No lighting is proposed to project over the churchyard. External lighting is limited to a maximum of 3000 Kelvin (warm white).

5.35. In summary, it is considered that the proposed development represents good quality design, as required by the NPPF and **Policy LP24** of the Local Plan.

#### **Biodiversity**

5.36. The Preliminary Ecological Appraisal notes that there are no nationally or internationally protected wildlife sites within 2km of the application site. There is one Local Wildlife Site and Local Nature Reserve within 2km, but given the distance between the site and these facilities, and taking into account the nature of the proposals, no significant impacts on these sites are predicted.

5.37. The Appraisal finds that there are no priority habitats at the site, there are no ancient or veteran trees and no irreplaceable habitats.

5.38. The site has been surveyed for protected species. The vicarage is considered to have low bat roost potential, and generally the site is assessed as having low quality habitat for bats other than the western boundary trees, which have moderate habitat potential. No evidence of badger was observed at the site. Recommendations are made by the appraisal in respect of mitigation measures for bats/birds, in relation to additional surveys for Great Crested Newt at a park 150m west of the site and for a dusk emergence bat survey at the vicarage. Subject to these mitigation measures and recommendations, we consider that there will be no adverse impacts on biodiversity in accordance with the NPPF and Local Plan **Policy LP30**.

5.39. A Biodiversity Net Gain Assessment is provided within the Appraisal. This shows that the BNG baseline is 2.61 habitat units. It is expected that the required 10% net gain will be secured by

planning condition. There are opportunities to achieve this gain within the site, within the adjacent church graveyard and by contribution to off-site habitat bank (if required).

### **Trees**

- 5.40. The Arboricultural Survey notes that there are no Trees Preservation Orders at the site, and it is not located within a Conservation Area.
- 5.41. There are 30 individual trees on the site, 5 groups of trees and 1 hedgerow. The majority of the trees are Category B and C specimens, but there are 11 individual trees within Category A.
- 5.42. The Survey comments that the high value trees are located along the northern boundary of the site. The root protection areas (RPAs) of the trees along the western boundary (which are located outside the application site boundary) also require consideration.
- 5.43. The Tree Assessment Plan shows that the RPAs of the trees on the western boundary will not be affected by the proposals. Most of the trees within the site will be retained, albeit a number of trees on the northern boundary will need to be removed.
- 5.44. The reason why a number of trees will need to be removed is due to the setting back of the existing boundary wall to provide 2.4m x 43m visibility splays. The removal of these trees will be mitigated by new tree planting within the site and/or the adjacent graveyard. In the event that the Council considers that it is not necessary to provide the visibility splays, then tree removal would be minimised significantly.
- 5.45. In the light of the above, it is considered that tree loss has been minimised and mitigation will be provided for those specimens that will need to be removed, in accordance with Local Plan **Policy LP33**.

### **Drainage**

- 5.46. The site is located within flood Zone 1, the lowest zone of fluvial flood risk. The application does not trigger the need for a Flood Risk Assessment, however a Drainage Statement is provided.
- 5.47. The Drainage Statement indicates that foul water from the proposed development will discharge to the combined public sewer within Spenn Lane to the north of the site.
- 5.48. Regarding surface water, it is expected that ground conditions will not support infiltration drainage techniques. It is not considered that discharge to watercourse is viable due to distance (325m) and third-party control of land between the application site and the nearest watercourse.

5.49. As a last resort discharge to the public sewer to the north or north west of the site will therefore need to be considered. Discharge will be restricted to 11.7l/s based on a restricted 30% reduction in the brownfield run-off rate. This takes account of future climate change.

5.50. It is considered that the proposals accord with **Policy LP28** of the Local Plan in relation to drainage. Detailed drainage proposals can be secured by the imposition of appropriate planning conditions.

### **Ground Conditions**

5.51. The Geotechnical Report finds that the risk to stability of the site from mine workings is low, however further investigation is recommended to confirm this. Contamination risk is considered to be restricted to localised areas of made ground beneath the vicarage. This risk will be investigated through intrusive ground investigation.

5.52. The site is not considered to be at risk from hazardous ground gasses, but this will be confirmed through rotary probing to determine the presence or absence of coal beneath the site. Basic radon protection measures are recommended.

5.53. Subject to the recommendations of the Geotechnical Report, it is considered that the site is safe and suitable for the proposed development, in accordance with **Policy LP53** of the Local Plan.

### **Positive Impacts**

5.54. The proposed development will give rise to a number of positive impacts. These include:

- Provision of additional housing that will help to address the absence of a 5 year land supply in Kirklees.
- Helping to meet the need for additional supported housing in Kirklees as identified by the Local Plan, SHMA and Kirklees Specialist Accommodation Strategy 2022-2030.
- Making a more efficient use of a previously-developed site in a sustainable location.
- Providing for a more attractive building on the site that is more harmonious with the surroundings and more in character with the adjacent Listed church.
- Providing for a 10% biodiversity gain.
- Supporting local employment during the construction period.

5.55. It is our view that these constitute significant planning benefits to be weighed in the planning balance.

## 6. Summary and Planning Balance

- 6.1. This Planning Statement has been prepared on behalf of our client, The Leeds Diocesan Board of Finance, in support of a full planning application for the demolition of a vicarage at Spen Lane, Gomersal followed by the development of 10 no. apartments for independent living (Use Class C3) including amended access onto Spen Lane.
- 6.2. The proposed development seeks to help meet the growing need for modern, high-quality accommodation for people with health and care needs in Kirklees.
- 6.3. The application site comprises a surplus vicarage dwelling located within the largely residential built up area of Gomersal. The site has good access to local facilities and is within close proximity to local bus services to a wide range of destinations. It is considered to represent a sustainable location for residential development in that regard.
- 6.4. The Local Plan Proposals Map confirms that the application site is not subject to any designations or allocations. Given that the Council is not able to demonstrate a five-year housing land supply, paragraph 11(d) of the NPPF is engaged. This paragraph states that where there are no relevant development plan policies, or the policies that are most important for determining the application are out of date, which includes when the authority cannot demonstrate 5 years' worth of deliverable housing sites, then permission should be granted unless the application site is protected by policies set out in the NPPF, or whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
- 6.5. Section 5 of this statement contains an assessment of the key policy themes identified in Section 4, with a particular focus on the principle of development, heritage impacts, access and highways, design, biodiversity, trees, drainage and ground conditions. It is considered that the proposed development accords with relevant development plan and national policy, and there are also significant planning benefits that weigh in favour of the application scheme. The positive impacts of the development are not significantly and demonstrably outweighed by adverse impacts. Accordingly, we respectfully request that this application is approved.