Broadgrove
PLANNING & DEVELOPMENT LTD

PLANNING STATEMENT

Land south of Gynn Lane, Honley, Holmfirth, HD9 6LF

Vivly Living Limited

171/004: Honley – Vivly Living Limited
April 2025

CONTENTS

1. Introduction
2. Site and Surrounding Area
3. Planning History
4. Proposed Development
5. Planning Policy Framework
6. Material Considerations
7. Planning Assessment
8. Conclusions

1. INTRODUCTION

1.1. Broadgrove Planning and Development Ltd have been instructed by Vivly Living Limited ('the Applicant') to prepare and submit a planning application for a proposed development at Land south of Gynn Lane, Honley, Holmfirth, HD9 6LF ('the site').

1.2. The site red line is shown in the accompanying plans, with the application for planning permission made to Kirklees Council ('the Council') as the requisite Local Planning Authority ('the LPA') for where the site is located.

1.3. The description of development sought by this planning submission is as follows:

'Demolition of existing dwelling and erection of 50no. homes with associated access, infrastructure, and other works to facilitate the development.'

1.4. The following supporting documents have been prepared in support of this planning application submission and should be read alongside this Planning Design and Access Statement:

- Planning application forms, certificates and notices;
- Suite of planning drawings by Heneghan Architecture:
    - Location Plan
    - Existing Site Plan
    - Proposed Site Layout
    - House Type Elevations and Floor Plans
    - Constraints Layout
    - Site Sections
    - Materials Drawing
    - Materials and Crime Prevention
    - S106 Drawing
    - Design and Access Statement
    - Areas Schedule
- Site Investigation Report
- Mining Mitigation Report

- Preliminary Feasibility and Culvert Engineering Details
- Ecology Reports
    - Preliminary Ecology Appraisal
    - Bat Emergence Surveys
    - BNG Assessment
    - River Condition Assessment
    - White-Clawed crayfish survey.
- Flood Risk Assessment
- Heritage Assessment
- Transport Statement
- Preliminary Access Design and Visibility Assessment
- Landscape and Planting Plans
- Noise Impact Assessment
- Arboricultural Impact Assessment

1.5. This Planning Statement details the proposed development and addresses relevant issues and material planning considerations as identified in national and local planning policy.

1.6. This Planning Statement is structured as follows:

- Chapter 2, Site and Surrounding Area: explains the site composition, its content, and the local context where it is situated.
- Chapter 3, Planning History: outlines the relevant planning applications and appeals previously made on the application site.
- Chapter 4, Proposed Development: details the proposed development on site.
- Chapter 5, Planning Policy Framework: identifies the current statutory development plan for Kirklees and relevant policies from within.
- Chapter 6, Material Considerations: provides local and national material considerations to be balanced in the judgement of any decision.
- Chapter 7, Planning Assessment: assesses the proposed development against the considerations outlined in chapters 5 and 6.

- Chapter 8, Conclusion: summarises the contents of this Statement.

2. SITE AND SURROUNDING AREA

Site

2.1. The application site comprises of three parcels of land located to the south of Gynn Lane, Honley. The site covers 2.69 hectares of land on the eastern extent of Honley, Holmfirth ('the site') (414563, 412094).

2.2. The land to the rear of 34 Gynn Lane is in agricultural use, and is split into three parcels by dry stone walls. The land slopes steeply from west to east. The topographical survey indicates that the west of the site is situated at c.115m above sea level and the east of the site is at c.133m above sea level.

2.3. The site access is located to the south of Gynn Lane and comprises the existing access to 34 Gynn Lane. The existing access to the residential dwelling crosses the Ludhill Dike watercourse, which passes through a culvert at the north of the site.

2.4. The main body of the site is largely clear of trees, aside from 2-3 mature trees situated along the divisions between the three parcels. There are a considerable number of mature trees to the north of the site, that are protected under a group Tree Preservation Order (TPO).

2.5. There are no Listed Buildings, designated Conservation Areas, or Scheduled Monuments within the site's demise. There are two Listed Buildings located beyond the northwestern site boundary, although the site is heavily screened from the listed houses on this front.

2.6. There are no areas of ecological importance situated within the application site.

Surrounding Area

2.7. The surrounding area is both residential and agricultural in character. The areas beyond the northern, western and southwestern boundaries of the site are dominated by residential land uses. Honley High School is situated to the north of the site, on the north side of Station Road.

2.8. The railway line runs north to south along the eastern site boundary. Beyond the railway line, are further residential dwellings lining Hall Ing Lane, as well as agricultural fields and Hey Wood.

2.9. The site is situated in an extremely sustainable location for development. There is an abundance of services and amenities located within walking distance from the site. The shops and services in Honley are located c.500m walk to the west of the site. Honley High School is also situated c.400m walk to the north of the site. There are employment opportunities and other recreational facilities within walking distance of the site along New Mill Road and Woodhead

Road.

2.10. The site is well supported by existing public transport services that provide access to regional services and employment opportunities. Honley Railways Station is c.300m, walk to the north of the site.

2.11. The site is supported by bus stops along Station Road, c.180m walk from the site. The 911 bus provides services between Meltham and Thurstonland. The K4, K5 and K7 services also operate from outside of Honley High School, providing connections to Meltham, Holmfirth and Netherton. The 314 and 316 Holme Valley Connection provides connections between Holme and Parkhead.

2.12. There is a Grade II Listed terrace located c.40m beyond the northwestern site boundary at nos 30 and 32 Gynn Lane. The terrace pair have been listed since 1983 under entry SE1445212154:

'Terrace pair. Early C19. Hammer dressed stone. Stone slate roof (turned). Three storeys. South-west elevation: continuous first and second floor sill bands. Entrance to left and right and two 4-light stone mullioned windows, each with 2 mullions removed, to ground floor. To first and second floors each dwelling has one 6-light stone mullioned window. (No 30 has centre light blocked to first floor). North-east elevation: modern extensions to ground floor. One 2-light stone mullioned window to first and second floors, both dwellings. Single-storey extension to each gable of no interest.'

2.13. Other heritage assets in the wider vicinity include the Honley Conservation Area which is located 400m west of the site.

2.14. Given the copious opportunities present in the surrounding area, the site evidently represents a highly sustainable location for the construction of homes at the site.

3. PLANNING HISTORY

Site Planning History

3.1. A search of Kirklees Council's planning applications register reveals that the application site has a limited planning history. There has only been one other application on the site.

3.2. **2019/60/91388/W** – Outline application for the erection of up to 50 no. dwellings, all matters reserved except access. Application submitted: 25/04/2019. Decision: Application withdrawn. Decision date: 12/10/2019.

3.3. The outline application 2019/91388 was set to be determined at planning committee on 14 October 2019. The proposal had been recommended for refusal on the basis that insufficient information had been provided to demonstrate that and appropriate safe access onto Gynn Lane could be achieved, without crossing third party land. This was considered to increase the potential risk to highway safety.

3.4. The recommendation for refusal also emanated from insufficient information being submitted to demonstrate that the highway access would no result in the loss of protected trees of amenity value. This also related to a negative impact on biodiversity, both without the necessary mitigation measures in place.

3.5. At the time of submission of the outline application, Kirklees Local Plan Allocations and Designations had been adopted (27 February 2019). The planning history demonstrates that the principle of development at the site is acceptable since the site formed part of a housing allocation.

3.6. A key consideration in the previous outline application centred around the proposed new access and culvert over Ludhill Dike.

3.7. The LLFA raised concerns over increasing the length of the culvert and the angle of the entry point. This was both to prevent blockage and exceedance of the culvert form Ludhill Dike for maintenance purposes and in the interest of reducing risks to persons or animals entering the culvert (with or without permission).

3.8. The Arboricultural Officer considered the previous scheme to result in the loss of additional trees beyond the submission Arboricultural Method Statement, due to the regarding of the landscape around Ludhill Dike. This was considered to result in a significant gap in the protected woodland area that would undermine the purpose of the woodland protection order.

3.9. The Biodiversity Officer was satisfied that the previous scheme's design of the culvert could mitigate any impacts to local ecological species. The officer considered the option that maintained the openness of the culvert to be the most suitable to limit ecological impacts, prevent further impacts to protected trees and allow ledges to facilitate safe passage for mammals.

3.10. The proposed access was not considered to sufficiently demonstrate a safe and suitable access onto the site. The proposals incorporated a 5.5m carriageway with a 1.2m verge and 2m pedestrian footway that would link to the north wide of Gynn Lane to the east of the access. Particular regard was given to the achievable visibility splays and it was not supported that 2.4m 43m splays to the west of Gynn Lane could be achieved. Notwithstanding the issue with the access, officers consider that the other highway and transport matters would be acceptable subject to the necessary conditions.

3.11. The previous outline application suggested that the site would have negligible harm in terms of heritage on the pair of listed terraces (30 and 32 Gynn Lane). Residential development in this location was also considered acceptable by Environmental and Public Health, in relation to noise impacts from the railway adjacent to the east.

3.12. The Committee Report considered that drainage matters could be satisfactorily dealt with by the imposition of conditions. It is therefore considered that matters to do with drainage and flood risk can be overcome as part of this planning application.

3.13. In conclusion, the planning history clearly demonstrates that the principle of development is acceptable. Subject to a future application giving due consideration to the proposed access, associated culvert, and impacts on protected trees, it should be possible to overcome the reasons for refusal of 2019/91388.

4. PROPOSED DEVELOPMENT

4.1. This section should be read together with the accompanying drawing pack prepared by Heneghan Architecture.

Use

4.2. Permission is sought for the erection of 50no. residential dwellings on existing agricultural and residential land to the south of Gynn Lane.

4.3. The proposals include the associated access, which involves the reconfiguration of the existing access over Ludhill Dike as well as associated parking, landscaping and public open space.

4.4. The description of development is as follows:

Demolition of existing dwelling and erection of 50no. homes with associated access, infrastructure, and other works to facilitate the development.'

Amount

4.5. The proposed development comprises of 50 no. new homes in a mixture of 2-, 3-, 4- and 5-bed properties. The proposed housing mix is set out in the table below:

Plots	Type	Amount	Floor Area m2	Floor Area Sq. Ft.	Total Sq. Ft.
5,6,7,39,40,41	**Birch** 2 Bed terraced	6	70.4	760	4560
18,19,21,20, 32,33,34,35	**Cherry** 2 Bed + Study semi detached	8	89.2	960	7680
3,4,13,14,15,16,44,45	**Chestnut** 3 Bed + study semi detached with integral single garage	8	106.4	1145	9160
42	**Camellia** 3 Bed semi detached	1	80.8	869	869
8,11,12,50	**Norway Spruce** 4 Bed detached	4	166	1786	7144
22,43	**Red Robin** 3 Bed semi / detached	2	102.5	1103	2206
1,2	**Wisteria** 3 Bed + study Detached	2	128.4	1382	2764
10	**X2** 5 Bed Detached with integral double garage	1	218.6	2353	2353
36,37,38	**Z2** 3 Bed + Study Detached with integral double garage	3	190.3	2048	6144
23,24,25	**Z3** 4 Bed detached with integral double garage	3	245.1	2638	7914
26,27,28,29,30,31	**Z4** 4/5 Bed detached with integral double garage	6	187.2	2015	12090
9,17	**Zinfin** 5 Bed detached with integral double garage	2	228	2454	4908
46,47,48,49	**Apartments** 2 Bedroom	4	57	614	2456
TOTAL		50 No.			70,248 sq. ft.

4.6. The overall housing mix can be summarised as:

- 14no. 2-bed homes;
- 16no. 3-bed homes;
- 13no. 4-bed homes;
- 3no. 5-bed homes;
- 4no. 2-bed apartments.

4.7. The proposed quantum of development is consistent with the residential housing allocation prescribed in the LPA's Development Plan policy.

4.8. The proposed development utilises a diverse mix of house types, with a range of detached, semi-detached, terraced and apartments.

Scale

4.9. The proposed development comprises of the construction of 50no. residential homes in a mixture of 2, 3, 4 and 5- bed properties.

4.10. The scheme proposes properties with building heights of two storeys. Due to the gradient of the land, the western portion of the site is situated at lower levels than the eastern portion of the site. As such, some degree of retaining structures will be required across the site, which adds somewhat to the scale of development. Nevertheless, gardens and landscaped areas are designed to be usable.

4.11. The proposed access point requires the reconfiguration of Ludhill Dike and the associated culvert in order to provide safe access and egress for the housing allocation. The development includes the relevant engineering operations and some degree of tree clearance to achieve the point of access into the site.

Design and Appearance

4.12. Please see the accompanying drawing pack for details of the proposed design.

4.13. The proposed site layout includes an estate road through the site which feeds onto two private drives; one located to the southeast of the site and the other to the southwest.

4.14. The proposal looks to retain existing trees and green space so much as possible. A new footpath link will be provided through the site to Pennine View for pedestrian and cycle use.

4.15. The proposed elevations and street scenes include details of the elevational treatments and materials to be utilised in the façade of the new homes. The predominant materials will be stone,

stone and render, and render façade treatments. The positioning of render materials will break up the mass of stone across the site. A summary of the plots and their facades is outlined below:

- All tone façade treatment – Plots 1, 2, 8, 11, 12, 22, 23, 24, 25, 32-35, 42, 43, 50;
- Stone and render façade treatment – 3, 4, 5, 6, 7, 9, 10, 13, 14, 15, 16, 17, 18, 19, 20, 21, 26, 27, 28, 29, 30, 31, 36, 37, 38, 39, 40, 41, 44, 45, 46-49.

4.16. Please see the accompanying Design and Access Statement and visual representations for further details on the design and appearance of the scheme.

Access

4.17. The existing access will be reconfigured in order to meet current highways safety standards and allow for the appropriate visibility splays.

4.18. The proposed point of access will pass over Ludhill Dike, which will flow through a new culvert that is proposed as part of the development.

4.19. The proposed parking provision includes 2 no. vehicles spaces per household. Visitor parking is also provided and is distributed around the site.

5. PLANNING POLICY FRAMEWORK

5.1. Paragraph 47 of the National planning Policy Framework requires (in accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990, that planning application must be determined in accordance with the development plan unless material considerations indicate otherwise.

Adopted Development Plan

5.2. The adopted Development Plan for Kirklees consists of the following documents:

- Local Plan Strategy and Policies (adopted February 2019);
- Local Plan Allocations and Designations (adopted February 2019);
- Holme Valley Neighbourhood Development Plan (adopted December 2021).

5.3. On the Core Strategy Policies Map, the site has the following designations:

- Policy LP30: Biodiversity Opportunity Zones (Valley Slopes);
- Policy LP30: Wildlife Habitat Network Extension (Woodland);
- Policy LP31: Strategic Green Infrastructure Network (Holme Valley Corridor);
- Policy LP65: Housing Allocations (Site HS167);
- Holme Valley Neighbourhood Area;
- Policy LCA 7: River Holme Wooded Valley (Landscape Character Area).

5.4. The following Development Plan policies are relevant to the consideration of the proposals:

- Policy LP1: Presumption in favour of sustainable development
- Policy LP2: Place Shaping
- Policy LP3: Location of new development
- Policy LP4: Providing Infrastructure
- Policy LP5: Masterplanning sites
- Policy LP7: Efficient and effective use of land and buildings
- Policy LP11: Housing Mix and Affordable Housing
- Policy LP20: Sustainable travel

- Policy LP21: Highways and access
- Policy LP22: Parking
- Policy LP23: Core walking and cycling network
- Policy LP24: Design
- Policy LP27: Flood risk
- Policy LP28: Drainage
- Policy LP30: Biodiversity and Geodiversity
- Policy LP32: Landscape
- Policy LP33: Trees
- Policy LP52: Protection and improvement of environmental quality
- Policy LP53: Contaminated and unstable land

5.5. Alongside the Kirklees LPSP there is a complimentary allocations and designations plan. Policy LP65 allocates housing in the Local Plan. Planning permission will be expected to be granted if proposals accord with development principles set out in the allocation.

- Policy LP65: Housing Allocations;

5.6. Under Policy LP65 of this Allocations and Designations Plan, the site has been allocated for residential use under site reference HS167. The allocation comprises of 2.69 hectares of land, of which 2.41 hectares of net site area remains following the removal of protected trees and the existing dwelling from the developable area. The site has an indicative capacity of 50no. dwellings. The key constraints on the site are identified as: site access, impact on protected trees, surface water issues, listed buildings, and High Risk Coal Referral Area.

6. MATERIAL CONSIDERATIONS

6.1. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act (2004) and Section 70(2) of the Town and Country Planning Act 1990, planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.2. The following represent material considerations to be balanced in consideration of the proposed development.

National Planning Policy Framework (December 2024)

6.3. At a national level, planning policy and guidance is contained in the National Planning Policy Framework (NPPF). The updated NPPF (December 2024), sets out the Government's vision for future growth. The NPPF must be considered in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.

6.4. The newly adopted NPPF (December 2024) will form the main material consideration for this application.

6.5. The NPPF acknowledges that planning policies and decisions should play an active role in guiding development towards sustainable development solutions, but in doing so, should take local circumstances into account, to reflect the character needs and opportunities of each area.

6.6. Paragraph 8 states that there are three dimensions to sustainable development: economic, social and environmental and, as set out in paragraph 9, these provide broad objectives to be delivered through planning decisions.

6.7. At the heart of the NPPF is a presumption in favour of sustainable development as set out in paragraph 11. This means that local planning authorities should 'approve development proposals that accord with the development plan without delay and where the development plan is absent, silent or relevant policies are out-of-date, grant permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.'

6.8. Chapter 4 advises that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. It sets out that decision-makers at every level should seek to approve applications for sustainable development where possible.

6.9. Paragraph 47 states, "Planning law requires that applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

6.10. Paragraph 61 sets the Government's objective of "significantly boosting the supply of homes". To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The size, type and tenure of housing needed (including affordable) for different groups in the community should be assessed and reflected in planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities.

6.11. Paragraph 69 requires strategic policy-making authorities to identify a sufficient supply and mix of sites to contribute towards the land available for housing in their area.

6.12. Within this context, the NPPF advocates that planning policies and decisions should promote the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities. Within this context, the NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

6.13. The new NPPF demonstrates the Government's commitment towards delivering 1.5 million homes in England by 2029.

6.14. Paragraph 73 recognises the importance of small and medium sites can make towards meeting the housing requirement in an area as they can be built out relatively quickly. Paragraph 70 states that local planning authorities should, inter alia:

'd) support 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'

6.15. Paragraph 77 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing or a minimum of four years' worth of housing if the authority has an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage.

6.16. Paragraph 79 sets out how supply of housing should be maintained. Where the Housing Delivery Test indicates that delivery has fallen below the Local Planning Authority's requirement over the previous three years, the following consequences should apply:

'b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan'

6.17. The NPPF advocates that planning policies and decisions should promote the effective use of land

in meeting Local Planning Authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in the Framework.

6.18. Chapter 8 considers the cultivation of healthy and safe communities. Decisions should aim to achieve safe and inclusive places, so crime does not undermine the quality of life. Paragraph 94 encourages local planning authorities should consider social, economic, and environmental benefits of regeneration and use their powers to help deliver regeneration to a high standard.

6.19. Paragraph 96 states, "Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other and are safe and accessible, so that crime and disorder and the fear of crime, do not undermine the quality of life or community cohesion."

6.20. Chapter 9 "Promoting sustainable transport" states in paragraph 109 that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

6.21. Paragraph 116 states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

6.22. Chapter 11 advocates the effective use of land in meeting need for homes and other uses. Paragraph 125 (d) states that planning decisions should "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained, and available sites could be used more effectively".

6.23. Paragraph 131 states that "The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve."

6.24. Paragraph 135 seeks developments that function well and add to the overall quality of the area, are visually attractive as a result of good architecture, are sympathetic to local character and history, the surrounding built environment and create places that are safe and inclusive.

6.25. Chapter 13 considered proposals affecting the Green Belt. Paragraph 144 sets out how proposals for new green Belts should be considered in strategic policies.

6.26. Paragraphs 161 – 182 require development to mitigate against the effects of climate change. Development should not result in increasing the likelihood of flooding elsewhere.

6.27. Paragraph 175 states "when determining any planning applications, local planning authorities

should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment". Paragraph 182 sets out the requirement for major development applications to incorporate sustainable drainage systems.

6.28. Chapter 15 relates to conserving and enhancing the natural environment. Paragraphs 187-201 require planning policies and decisions to give great weight to the protection of designated sites for conservation. The protection and enhancement of biodiversity and geodiversity should be considered when forming development proposals and schemes that enhance the natural environment, avoid harm and protect habitats should be supported.

6.29. Chapter 16 considers the conservation and enhancement of the historic environment. Paragraphs 207 requires local planning authorities require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance.

Other Material Considerations

6.30. Supplementary Planning Documents (SPD) provide detailed guidance on specific sites and topic areas to supplement the formal policies of the statutory development plan. The following Supplementary Planning Documents are considered relevant to the proposed development:

- Housebuilders Design Guide SPD (2021);
- Highway Design Guide SPD (2019);
- Open Space SPD (2021);
- Affordable Housing and Housing Mix SPD (2023).

7. PLANNING ASSESSMENT

7.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine planning applications in accordance with the Development Plan, unless material considerations indicate otherwise.

Principle of Development

7.2. This planning application comprises of the construction of 50 no. new homes, with an associated access over Ludhill Dike. The development comprises of other works to facilitate the housing development, including a new culvert, retaining walls, and landscaping.

7.3. Chapter 5 of the NPPF supports the Government's objective of "significantly boosting the supply of homes". Paragraph 76 requires Local Planning Authorities to identify and update annually a supply of specific deliverable sites in order to provide a minimum of five years' worth of housing against the housing requirement set out in their adopted strategic policies.

7.4. The application site is allocated for residential development under Policy LP65 of the Kirklees Local Plan Allocations and Designations document. Policy LP65 (Housing Allocations) states:

'Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies.'

7.5. Paragraph 11 of the NPPF supports a presumption in favour of sustainable development. This means that where development accords with the development plan, it should be approved without delay, or where the policies most relevant for determining an application are absent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against other policies in the NPPF.

7.6. The application site is allocated for residential development in Kirklees' Local Plan and therefore development of the site is considered to accord with the adopted development plan. Therefore the principle of developing the site should be accepted by Kirklees Council.

Principle of Use

7.7. It has been established that the application site comprises of a residential allocation under Local Plan Policy LP65. Within the Local Plan Allocations and Designations document (adopted February 2019), the site is allocated site ID HS167. The site is allocated for an indicative capacity of 50 no.

dwellings over 2.41 hectares of developable area.

7.8. The policy allocation identifies the following constraints in relation to the site:

- Site access achievable but impact on protected trees therefore mitigation required;
- Surface water issues;
- Site is close to listed buildings;
- Part/all of the site is within a High Risk Coal Referral Area;
- Protected trees along the northern boundary of this site.

7.9. As outlined in Chapter 4 of this statement, the proposed development is for 50 no. homes in a mixture of 2, 3, and 4-bedroom properties.

7.10. The application site is located within the Kirklees Rural West sub-area, as identified in the Strategic Housing Market Assessment (2016) and Affordable Housing and Housing Mix SPD (2023). Local Plan Policy LP11 (Housing Mix and Affordable Housing) requires proposals for housing to be high-quality and contribute towards creating mixed and balanced communities in line with the latest evidence of housing need.

7.11. For Kirklees Rural West, the Housing Mix SPD sets out a recommended housing mix that is reflective of the local housing need. The recommended mix comprises of 30-60% 1- and 2-beds, 24-45% 3-beds, and 10-30% 4-beds. The development proposes the following mix of housing:

- 18no. 2-beds – 36%;
- 16no. 3-bed homes – 32%;
- 16no. 4 + beds – 32%.

7.12. The housing mix proposed in the scheme is broadly in accordance with the recommended mix outlined in the Affordable housing and Housing Mix SPD. Therefore, the proposed development is representative of local housing needs and will contribute positively towards the required housing needs in Kirklees Rural West, in accordance with Policy LP11 (Housing Mix and Affordable Housing) of the Local Plan.

7.13. Chapter 11 of the NPPF requires the effective use of land in meeting the needs for homes, particularly through achieving appropriate densities. Within this context, the NPPF states that Local Planning Authorities should refuse applications which they consider fail to make efficient

use of land, taking into account the policies in the Framework. The construction of 50 no. homes is in line with the indicative capacity for the allocation.

7.14. The principle of development at the site for residential use is accepted by Kirklees and the proposal constitutes sustainable development in accordance with Policy LP1 (Presumption in Favour of Sustainable Development). The proposed development reflects Kirklees' Spatial Development Strategy, in accordance with Policy LP3 (Location of Development).

7.15. The Conservative Government introduced the Housing Delivery Test as part of a commitment to boost housing delivery across England. In order to meet the requirement, the number of new homes built over the past three years must be at least 75% of those needed.

7.16. Kirklees Council's housing delivery in the last three years has averaged 67%. Since this has fallen below 95% of the homes needed, an Action Plan has been produced to address barriers in housing delivery. The Action Plan states that the development management process will aim to meet agreed performance indicators for the determination of applications in order to reach timely decisions.

7.17. The proposed development of 50no. homes on a parcel of land that is allocated for residential development for a capacity of 50no. units, and is therefore entirely in accordance with the Local Plan. So long as the application considers and addresses the relevant technical constraints, the proposed development should be approved without delay in accordance with paragraph 11 part c of the NPPF.

Access and Transport

7.18. The site constraints outlined in the housing allocation under ID HS167 states that access from the highway will be a key consideration to be overcome in any prospective application. A Transport Statement and Travel Plan have been prepared by Via Solutions to consider the traffic impact, access, sustainability, car parking and servicing associated with the proposed development.

7.19. The Transport Statement assesses the visibility splay provision at the proposed access located to the south of Gynn Lane. The previous outline application at the site under reference 2019/91388 was not considered to sufficiently demonstrate a safe and suitable access onto the site. Particular regard was given to the achievable visibility splays in a westerly direction along Gynn Lane can be achieved.

7.20. An automated traffic count has been undertaken at Gynn Lane. The speed survey recorded speeds of 29.6mph for eastbound vehicles and 29.8mph for westbound vehicles. The results recommend that a visibility splay of 2.4m x 43m to the east and 2.4m x 42m to the west is required

to achieve safe entry and egress to/from the site.

7.21. The existing access off Gynn Lane is c. 3.7m wide and is an informal private drive, which serves the existing dwelling on site. Visibility from the existing access is restricted to the northeast due to the existing vegetation and fence line. The access is to be improved as part of the proposed development.

7.22. In order to facilitate safe and suitable access, the proposals will incorporate a new culvert underneath the access road to improve the existing culvert serving Ludhill Dike.

7.23. The proposed access can achieve visibility splays of 2.4m x 43m to the east and 2.4m x 42m to the west. The alignment of the access road has also been altered since the previous submission under reference 2019/91388 to reduce the angle of the bend. Internally, the forward visibility splays can achieve 2.4m x 25m splays for anticipated 20mph vehicle speeds.

7.24. Appropriate visibility can also be provided for a car waiting to turn right into the proposed access. The footway to the west of the site has been reduced in length, and the crossing has been relocated around 43m west of the proposed site access.

7.25. The Transport Assessment has considered the transport impact associated with the proposed development. The TRICS 7.11.2 Online Database has been consulted for typical weekday peak hour and daily traffic generation estimates. The morning peak traffic generation is 9 vehicles arrivals and 17 vehicles departures, a total of 26 vehicles. The evening peak hour based on the derived traffic generation is 1700 to 1800 hours. The evening peak traffic generation is 16 vehicles arrivals and 8 vehicles departures, a total of 24 vehicles.

7.26. The traffic generation for the proposed development is less than 30 two-way trips in both the AM and PM peak hours and is not considered to be significant. The proposed development is located in a sustainable location and will not have a significant traffic impact on the highway network.

7.27. The proposed development is considered to be located in a highly sustainable location and provides access by a genuine range of transport modes which accords with paragraph 103 of the new NPPF.

7.28. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The Transport Statement demonstrates that the proposed development integrate a safe means of access for all road users and the impacts of the proposed development would not be severe.

7.29. Vehicular parking standards for the proposed residential dwellings are set out in Kirklees Highway Design Guide (2019).

7.30. The development comprises 4no. 2-bedroom apartments, 22no. 2-3 bedroom dwellings and 24no. 4+ bedroom dwellings. All apartments and 2-3 bedroom dwellings have 2 car parking spaces shown on their proposed driveways as a minimum provision, with some also having garages. All 4+ bedroom dwellings are shown with a minimum of 2 outdoor car parking spaces and a garage parking space, equivalent of parking for 3 vehicles for the 4+ bedroom dwellings.

7.31. All dwellings will include at least one electric vehicle charging point with secure cycle parking and allowances made for electric cycle charging in each dwelling.

7.32. Refuse collection and servicing will utilise the proposed access and the available turning spaces within the development to enter and egress the site in a forward gear. The swept path analysis shows that an 11.85m Kirklees refuse vehicle can safely turn within the proposed highway and that a refuse vehicle and large car can pass one another within the site.

7.33. Refuse turning facilities and bin collection points have also been designed in accordance with Building Regulations Drainage and waste disposal: Approved Document H (2010).

7.34. In conclusion, it has been demonstrated that the proposed development is considered to be acceptable in terms of transport sustainability, highway safety and traffic impact. There are no technical reasons with regard to highways and access for the refusal of planning permission at the site.

Trees

7.35. The proposed development site is bounded by protected trees along the northern boundary. The trees are protected under a group Tree Preservation Order (TPO) under ID 01/96/w2.

7.36. There are protected trees beyond the northeastern, southern and western site boundaries that are also protected under separate group TPOs.

7.37. The site specific considerations outlined in Policy LP65 (ID:HS167) accept that a number of protected trees are required for removal in order to chieve safe and suitable access to the site.

7.38. An Arboricultural Impact Assessment has been prepared by SEED to support this planning application.

7.39. The location of existing trees has been outlined in a Tree Constraints Plan, along with details of the respective Tree Retention Category, Root Protection Areas and Tree Canopy Spreads.

7.40. The survey recorded 41no. individual trees, comprising of 6no category A, 11no. category B, 21no. category C and 3no. category U retention value. The survey recorded 9no. groups of trees, comprising of 2no. category A, 1no. category B and 6no. category C retention value. The survey recorded 1no. woodland, assigned category A retention value.

7.41. The proposed layout has looked to incorporate existing trees wherever possible and amendments have been made during the design process to minimise the requirement for tree removal. Due to the engineering requirements to produce a safe access, there is some degree of conflict with on site trees which is considered to be unavoidable.

7.42. Table 2 of the report details the tree removals required to implement the proposed development. The proposed development results in the removal of 19no. individual trees, 3no. tree groups, and the part removal of 1no. tree group. None of the trees proposed removal are considered to be aged or veteran trees.

7.43. Mitigation measures are proposed in order to compensate for the proposed loss of trees, details of which are outlined within the submitted Landscape and Planting Plans.

7.44. The development has been design with consideration of existing tree constraints, however, there are a limited number of resultant RPA incursions as a result of the layout. A methodology for any required works within tree RPAs will ensure any impacts to retained trees is minimised.

7.45. The finalised layout results in a scheme that is not considered to be impacted by the retained trees in terms of shadowing or pressures to further prune retained trees by prospective residents.

7.46. The AIA proposes a series of precautionary methods and tree protection fencing during the construction faces. When in place, the measures will ensure foreseeable damage does not occur during the construction phases.

7.47. In accordance with Local Plan Policy LP33 (Trees) the development has, where possible, looked to retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. The proposals comply with relevant national standards regarding the protection of trees and necessary measures have been put in place to mitigate for any loss of trees.

7.48. Therefore, on balance the proposal looks to retain trees valuable trees so much as possible and trees should not be a limiting factor for the granting of planning permission.

Flood Risk and Drainage

7.49. This application is supported by a Flood Risk Assessment and Drainage Strategy prepared by Haigh Huddleston. The Flood Risk Assessment has considered the site investigate previously undertaken by Lithos in September 2024.

7.50. The investigation has generally proved 300mm of topsoil overlying 0.5-5.0m of sandy gravelly clays and slightly angular to sub-angular coarse gravel. Mudstone or sandstone bedrock was generally encountered at depths of 1.5-3.7m below existing ground levels. The site investigation report states that soakaways are not considered an effective method of surface water drainage due to the gradients on site.

7.51. There are no public sewers crossing the main body of the site, however, there are existing public sewers adjacent to the site. During pre-submission consultation, Yorkshire Water have confirmed that there is no capacity within the adjacent adopted surface water systems to service the site. It has been recommended that surface water is discharged to Ludhill Dyke adjacent the northern boundary of the site. This will require a right of discharge in perpetuity to the existing watercourse.

7.52. Foul drainage can be accommodated in the 225mm diameter sewer in Gynn Lane to the north of the site. A copy of the Yorkshire Water records and recent pre-planning enquiry for the site are in the appendices at the rear of the report.

7.53. It is considered that a gravity connection for the surface water sewers should be feasible for the site. a second discharge will need to be agreed for the run-off proposed for the highway to the north of the culvert o the access road. This will be considered at detailed drainage design stage.

7.54. The proposed foul sewer will need to pass beneath the existing watercourse in the north east of the site and down the existing 225mm combined sewer in Gynn Lane.

7.55. The site falls within flood zone 1indicating a low probability of flooding from sea or rivers; less than 0.1% (ie 1 in 1000 year) probability of flooding. EA plans also confirm that the site is unaffected by surface water flood water. The low risk of flooding of the site from River and Sea is acceptable for this type of development on this site.

7.56. The assessment has considered a scenario where the culvert becomes obstructed or partially blocked, resulting in a build-up of water. Adjacent roads at Gynn lane and the proposed site access fall towards Ludhill Dike, as such, surface water would be picked up by the road gullies and discharge into Ludhill Dike. The proposed culvert beneath the site entrance is 2.4x1.2m and, further to discussions with the LLFA, straightens the existing watercourse to reduce the risks of blockage and ensure the water flows unimpeded through the site. The proposed 2.4x1.2m culvert

is considered to be an improvement over the existing culvert with a reduced risk of blockage.

7.57. Culvert details have been provided to accompany the application submission.

7.58. With regard to the risk of flooding from overland flows form adjacent land, there are considered to be limited risks associated with overland flows to the north (intercepted by drainage serving Gynn Lane), Ludhill Dike, or land to the west. The Assessment has considered overland flows across the site and recommends that an overland flood route is provided through the site to cater for extreme events and in addition to any blockage failure of new drainage systems on site.

7.59. The risk of flooding from water falling on site and not being able to leave the site is relatively high, due to the increase in permanent area on site as a result of the development. The Assessment has considered the SuDS hierarchy and it is considered (and agreed with the LLFA) that infiltration methods would not be suitable. In conjunction with infiltration systems not being suitable an overall discharge rate of 10.5 l/s greenfield discharge rate of 8.5l/s has been agreed for the development by the LLFA. As mentioned, permission will need to be secured to discharge in perpetuity together with easements.

7.60. The report considers the the use of above storage systems such as swales, detention basins or ponds, but this would take up a significant amount of land. For the onsite sewerage to be adopted, underground tanks will be needed to provide sufficient attenuation storage for the site. The storage volumes require 285 cu.m for the 30 year storm, 390 cu.m. for the 100 year storm and 605 cu.m when 45% extra for climatic change allowance is made. 540 cu.m of storage is to be provided via an attenuation tank in the north of the site, with the remainder provided by the pipework and manholes within the system.

7.61. The size of storm water storage facilities is to be determined accurately in the detailed design stage. The position and levels of the attenuation has been considered to ensure that any failure or blockage of the outfall will result in above ground flooding to the open section of watercourse to the northern boundary of the site and not affect any of the new or existing properties. Finally, the position of the attenuation tank has been determined to allow accessibility for future maintenance.

7.62. It is proposed for the surface water system serving the amin body of the development to be adopted by Yorkshire Water or similar approved body under a Section 104 agreement, including the attenuation tank, flow control and outfall headwall. The highway drainage downstream of the culvert, and the culvert itself, are to be adopted by the Local Authority as part of the Section 38 Agreement.

7.63. If the recommendations within this report are adopted for providing attenuation up to and including the 1 in 100 year + 45% climate change storm events and the flow from site restricted to a maximum of 10.5 l/s, there will be a reduction in the flood risk both to the proposed properties on site, as well as the existing properties downstream of the site.

7.64. Therefore, the proposed drainage and flood risk management at the site is considered to be in accordance with Local Plan Policy LP27 (Flood Risk) and Policy LP28 (Drainage). There are no reasons relating to matters of flood risk or drainage for refusal of planning permission.

Heritage and Conservation

7.65. The site specific considerations outlined in Policy LP65 (ID:HS167) acknowledge the Grade II Listed building to the northwest of the site boundary. It states the following with regard to the conservation of the heritage asset:

'Development should be set back from the 'significant tree belt' just outside the site boundary to the north-west as identified in the Heritage Impact Assessment.

The north-western corner of the site should also be kept free from development to safeguard the setting of the Grade II Listed Building'

7.66. The previous application under reference 2019/91388 integrated a layout with new built development 'set back' from the northwestern site boundary. The consultation response from Kirklees Council Conservation and Design Officer raised no objection to the outline application. Historic England also raised no objection to the application.

7.67. The proposed layout adopts a similar approach to the previous outline application, with the northwestern pocket of the site providing physical separation from the Grade II Listed terraces. Furthermore, protected trees have been retained along the northwestern boundary in order to maintain the existing benefits to the setting of the heritage asset in terms of screening the development site.

7.68. A Heritage Assessment has been prepared by Garry Miller Heritage Consultancy to accompany this planning application.

7.69. The Assessment considers the Grade II Listed terraces that are sited 50m to the northwest of the site boundary. The buildings are considered of importance for their special architectural and historic interest which is that of a pair of three-storey moorland weavers' cottages of likely circa 1800 date.

7.70. The Assessment considers that the contribution made by their setting to this significance has been devalued as a result of the changes to their original rural surroundings. This has been replaced by 20th century residential housing along Gynn Lane.

7.71. The report notes that the site is well screened from the setting of the listed buildings, which is entirely out of view to the northwest. There is no immediate visual association between the site and the listed building. Therefore, the site's relationship to the to the listed building is marginal and mainly on a historic basis, rather than visual.

7.72. The report considers the impact of the proposal on the setting of the listed building. It concludes that the development cannot be deemed harmful owing both to this invisibility and the wider suburban surroundings in which the listed building is presently experienced.

7.73. In accordance with paragraph 207 of the NPPF, this planning application has identified and assessed the significance of the nearby heritage asset. It has been ascertained that the level of harm to the setting of the Grade II Listed terraces will be negligible. The proposals will conserve the existing setting of the heritage asset and are therefore in full accordance with Policy LP35 (Historic Environment).

7.74. In conclusion, there are no reasons with regard to heritage or nearby listed buildings for refusal of planning permission at the site.

Design and Appearance

7.75. The design of the proposed development is presented in the accompanying drawing pack. Please refer to the Design and Access Statement and visual representations of the proposed street scene.

7.76. Paragraph 131 of the NPPF supports the creation of high quality, beautiful and sustainable buildings. Policy LP24 (Design) of Kirklees Local Plan requires new developments to ensure the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.

7.77. The design and appearance of the proposed development is entirely in-keeping with the character of Honley and surrounding residential development. The proposed palette of materials, comprising of stone and stone with render is cohesive with the surrounding built contexts along Gynn Lane The positioning of house types and the selected façade treatments also work to break up the elevations of the development to create an aesthetic street scene.

7.78. The design of the proposed development is in-keeping with the surrounding area and will not be substantive or unduly prominent in the context of neighbouring residential development. In

terms of design and amenity, the proposals are considered to be in accordance with Policy LP24 (Design).

7.79. In addition, the proposed residential homes will provide a high standard of amenity for future and neighbouring occupiers of the development.

7.80. Therefore, there are no reasons from a design and appearance perspective for refusal of planning permission at the site.

Ecology

7.81. A Preliminary Ecological Appraisal has been produced by Brooks Ecological Ltd to support this planning submission. A series of other further surveys have also been conducted following the production of the initial PEA. The survey area includes 2.4 hectares of land within the redline boundary.

7.82. A search has been carried out to identify any nationally designated sites within a 2km radius of the site or internationally designated sites within a 10km radius. The following statutory sites have been identified:

- Upper Park Wood LNR – 800m north of site;
- Castle Hill LNR – 1.8km north of site;
- Honley Station Cutting SSI – 300m north of site;
- South Pennine Moors SAC and SPA – 6km southwest of site.

7.83. A survey was conducted by Brooks Ecological Ltd in July of 2024. A summary of the areas of low/very low distinctiveness and medium distinctiveness has been provided in the PEA, including the Ludhill Dike watercourse.

7.84. A River Condition Assessment has been submitted to accompany this planning application. The river was assessed as being of type D, overridden to type F, with the rationale supporting this assessment presented in Appendix B of the Assessment. A preliminary condition score of 0.907 was generated for this length of Ludhill Dike, which is indicative of moderate condition.

7.85. This stretch of the river has also been classed as overdeep, with a river shape index of 1.96, reducing the condition class to Fairly Poor. The data included in the River Condition Assessment will be used to inform a BNG Assessment of the Site.

7.86. A faunal appraisal has been conducted for the groups or species that are considered to be reasonably expected to be on or adjacent to the site.

7.87. In terms of amphibians, no ponds are evident within a 250m radius of the site and no records of Great Crested Newt (GCN) returned within a 2km radius. No further surveys or precautions are considered necessary for the presence of amphibians.

7.88. A number of records have been returned with regard to bat presence in the area. A single building is found on Site and was assessed for its potential roost suitability. Emergence surveys have concluded that the house on site is used for roosting bats. Please see the accompanying Bat Emergence Survey Report.

7.89. Two evening emergence surveys, carried out in the peak season, have confirmed the presence of a single day-roost, occupied by a solitary common pipistrelle bat. A further survey is required to confirm the absence of further roosts. However, activity across the rest of the site was low and larger roosts are not suspected. Individual trees within the site boundary have been inspected for roost suitability, with none found to provide potential roost features.

7.90. In line with Natural England guidance, one further survey is recommended to collect sufficient information about the roost for licensing. Activity surveys are expected to conclude in Spring 2025.

7.91. A small number of common bird species were noted during the survey including dunnock, herring gull, robin and goldfinch. Based on its size and habitats the site is not considered to be of significant importance to local bird populations. No further surveys are considered necessary to demonstrate current baseline in respect of birds but standard precautions will apply in terms of clearing vegetation in the nesting season.

7.92. With regard to badgers, a previous survey conducted in 2019 found evidence of an active outlier sett within the woodland to the north of the site. No other records have been returned within a 200m radius. No conclusive evidence of badger was found on preliminary site visit. However, faunal tracks have been found leading into the woodland which could be attributed to the presence of badger.

7.93. Given absence cannot be demonstrated at this stage, badger survey is recommended during the winter months, when vegetation has died back and badgers are more active. All suitable habitat within a 30m buffer of the site will be surveyed.

7.94. A manual search and eDNA sampling were undertaken to confirm the status of White-clawed crayfish within Ludhill Dike. Water samples were collected from the Ludhill Dike on 7th August

2024, including a total of 20 subsamples from the watercourse. The EDNA analysis returned a negative result for the three target species at the site. No evidence of white-clawed or American signal crayfish was found along the surveyed section of Ludhill Dike.

7.95. With regard to hedgehog, reptiles, and riparian mammals, very limited records were returned within the respective search areas. As such, the PEA concludes that no further surveys are considered necessary.

7.96. In accordance with Local Plan Policy LP30 (Biodiversity and Geodiversity) the proposed development has fully considered the biodiversity value of the site and the presence/absence of habitats and species of principal importance across the site. With the proposed biodiversity enhancement measures in place, the proposed development has demonstrated that there will be no significant loss or harm to biodiversity.

Biodiversity Net Gains

7.97. A Biodiversity Net Gain Assessment has been undertaken by Brooks Ecological to support this planning application. The Assessment has been informed by a baseline assessment of the site, a Preliminary Ecological Appraisal Survey (detailed in ER-7732-01), and a River Condition Assessment (detailed in report ER-7732 04B).

7.98. The Site has been assessed as having a baseline score of 7.11 Habitat Units on Site, and 8.92 Habitat Units off-Site.

7.99. The adjacent watercourse has also been assessed as having baseline score of 0.65 Watercourse Units on-Site, and 0.28 Watercourse Units off-Site.

7.100. The post-development values have been informed by the submitted Landscaping and Planting Plans which accompany this planning submission. Specifications have not been made for off-Site land which is outside the development redline. Areas of grassland here will be enhanced according to their adjacent habitats, and the woodland will be enhanced from moderate to good.

7.101. The Site has been assessed as having an on-Site post-development score of 5.91 Habitat Units (--16.94%), 0.36 Hedgerow Units, and 0.66 Watercourse Units (+2.03%). Surrounding land within a blue-line has been assessed as having a post-development score of 9.87 Habitat Units (+0.95 Units. Off-Site habitat enhancement provides a total of 0.95 Habitat Units, which can be used to offset on-Site losses. This results in a combined Habitat Unit change of -0.25.

7.102. Off-Site Watercourse Units are not changed, and do not contribute any Units towards a 10% gain.

7.103. It is understood that, to achieve 10% net gains in biodiversity, a further 0.97 Habitat Units and 0.05 Watercourse Units will need to be secured. These can be secured from any habitat or watercourse type.

7.104. It has been demonstrated that the proposed development can secure the required gains in biodiversity through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist. Therefore, the proposed development is considered to be in accordance with Local Plan Policy LP30 (Biodiversity and Geodiversity).

Noise

7.105. A Noise Impact Assessment has been prepared by Azymuth Acoustics UK to assess he potential noise levels affecting the proposed residential development at the site.

7.106. Noise measurements were taken at three positions around the site. The main source of noise affecting the site originates from the Penistone railway line which connects Huddersfield and Sheffield.

7.107. Daytime ambient noise levels were measured to be ~48dB LAeq,16hr approximately 40m from the railway line. Daytime noise levels along Gynn Lane were measured to be ~58dB LAeq,16hr at two different measurement positions. Night-time ambient noise levels were measured to be 40dB LAeq,8hr approximately 40m from the railway line. Night-time noise levels along Gynn Lane were measured to be between 40- 47dB LAeq,8h.

7.108. The report identifies that the site possesses a negligible risk of adverse noise effect and overheating as per the ProPG and AVO guidance documents

7.109. Azymuth have produced the following recommendations in order to mitigate the effects of noise within the proposed development:

- Glazing Specification - All elevations: min. 29dB RW and 25dB RW+Ctr
- Ventialtion Specificaiton - All dwellings: MEV with trickle vents min. 32dB Dnew
- Other elements of the building envelope
    - External Walls: minimum sound insulation 55dB RW. This minimum is likely to be significantly exceeded by a normal brickwork façade.
    - Roof: minimum sound insulation 45dB RW. This minimum would likely be exceeded with a traditional slate or tile roof with mineral wool loft insulation

above plasterboard ceilings or by a suitably insulated concrete roof or composite flat roof

7.110. If the above recommendations are to be adhered to then the internal ambient noise levels shall satisfy the assessment criteria. Therefore, it is considered that, with the proposed mitigation measures in place, the proposals will fully accord with Local Plan Policy LP24 (Design) and LP52 (Protection and Improvement of environmental quality).

7.111. The proposals are considered to result in a high standard of residential amenity for future occupiers. Therefore., there are o reasons relating to noise impact for refusal of planning permission at the site.

Contamination

7.112. A preliminary geoenvironmental appraisal has been prepared by Lithos to accompany this planning application.

7.113. The phase I investigation anticipates that the site has remained undeveloped throughout its history. The surrounding area has a long-associated coal mining history and therefore the development site falls within a CA Development High Risk Area.

7.114. 1 mine entry and 2 adits are located on site (total of 4 recorded mine entries/adits within 100m of the site). Given the presence of likely shallow min workings, the site may be affected by sources of hazardous gas generation. The report recommends monitoring order to determine appropriate gas protection measures for the proposed dwellings.

7.115. The site lies in an area where between 5% and 10% of homes are estimated to be above the radon action level, therefore basic radon protection measures are required in all new dwellings.

7.116. The report outlines various recommendations for ground investigation.

7.117. At this stage, significant abnormals relating to the sites geoenvironmental conditions are expected.

- Slopes of 1 in 5 are present in the east and west of site, in addition to an overall slope of 1 in 9 across the site. Retaining walls are also present along the eastern and southwestern boundaries, in addition to a retaining wall along the garden of 34 Gynn Lane. Significant earthworks will be required across the site to create level development platforms and provide suitable gradients for highways and gardens.

- Shallow mineworkings (including bell pits) may be present across the majority of site,

associated with the outcrops of the Halifax Soft and Middle Band coal seams. If shallow workings are encountered, these will require treatment via drilling and grouting.

- 4 adits and 1 mine entry are recorded within 100m of the site boundary. Of these, 2 adits and 1 mine entry are located within the site's red line boundary. These will need to be located and treated in accordance with Coal Authority guidance.

- An area of woodland is present along the northern boundary of site. Ludhill Dyke flows west through the woodland. This area will need to be taken into consideration when designing the site layout.

7.118. In conclusion, the Preliminary Geoenvironmental Report identifies various avenues for further investigation. It is however concluded that any existing suspected geoenvironmental concerns at the site can be safely mitigated to make the site safe for residential development.

8. CONCLUSIONS

8.1. This Planning Statement has been prepared by Broadgrove Planning and Development Limited ('Broadgrove') on behalf of our client, Vivly Living Limited ('the Applicant'), to support a full planning application made at Land south of Gynn Lane, Honley, Holmfirth, HD9 6LF ('the site').

8.2. This application seeks full planning permission for the following description of development:

'Demolition of existing dwelling and erection of 50no. homes with associated access, infrastructure, and other works to facilitate the development.'

8.3. This Planning Statement has demonstrated that the proposed residential scheme supports the NPPF's objective of sustainable development. The development will contribute towards the provision of much needed homes and will deliver a housing allocation in Kirklees adopted Local Plan.

8.4. It has already been established that the site presents a sustainable location for development. This Planning Statement and the accompanying technical reports have demonstrated that the constraints identified within the Local Plan allocation surrounding access, protected trees, surface water, listed buildings, and coal mining can all be suitably overcome.

8.5. This Statement has also demonstrated that there are no other technical reasons arising from highways, access, drainage, contamination, heritage, noise, ecology, or design that should prevent the granting of planning permission. The grant of planning permission will facilitate the delivery of a high-quality residential development and will contribute positively to the local area.

8.6. Overall, the information submitted to the Local Planning Authority shows that the proposed development complies with policies at a local and national level and therefore constitutes sustainable development as defined at the heart of the NPPF. We respectfully request that planning permission is granted without delay.

8.7. Should there be any queries relating to this Statement or the wider planning submission, please contact Broadgrove Planning and Development (via Michael Parham mp@broadgrove.co.uk) at your earliest convenience.

Broadgrove

PLANNING & DEVELOPMENT LTD