

**KIRKLEES LOCAL PLAN  
EXAMINATION**

**MATTER 37 – BATLEY AND  
SPEN HOUSING ALLOCATIONS**

**SITE H591: LAND TO THE WEST  
OF CLIFFE MOUNT, FERRAND  
LANE, GOMERSAL**

**HEARING STATEMENT**

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Appendix 1: Dwg. No. 1332 SK 05 – site layout plan

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Appendix 3: Heritage Impact Assessment

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## 1.0 INTRODUCTION

- 1.01. Carter Jonas LLP welcomes the opportunity to make submissions on behalf of KCS Development Ltd. for consideration at the Examination into the soundness and legal compliance of the Kirklees Publication Draft Local Plan. We submitted representations on behalf of our client to the previous iteration of the plan in December 2016.
- 1.02. We have reviewed the questions in relation to Matter 37 as set out by the Inspector and respond within this Hearing Statement where appropriate to our case. In commenting on Kirklees Local Plan, our representations refer directly to the soundness of the document (that the plan has been positively prepared, is justified, effective and consistent with national planning policy).
- 1.03. These submissions address the Inspector's questions and should be read in conjunction with the representations submitted to the publication stage in December 2016 and the Hearing Statement on behalf of KCS Development in respect of Matter 26.
- 1.04. We have responded in question order as set out by the Inspector. Where we have no comments either way in respect of a question and in the interests of expediency we have disregarded that question for the purposes of this Hearing Statement.

## **2.0 MATTER 37 ISSUE – ARE THE PROPOSED GREEN BELT RELEASE HOUSING ALLOCATIONS IN THE BATLEY AND SPEN SUB-AREA JUSTIFIED, EFFECTIVE, DEVELOPABLE/DELIVERABLE AND CONSISTENT WITH NATIONAL POLICY?**

2.01 In respect of Matter 37 we respond to the relevant questions in turn below, with the sub-headings duplicating each of the Inspector's questions for ease of reference. Our responses within this Hearing Statement relate only to Site H591: Land to the West of Cliffe Mount, Ferrand Lane, Gomersal.

### **a) Is the site suitable for the proposed use? Does the Plan provide clear guidance on requirements and constraints, and seek appropriate mitigation measures?**

2.02 As set out within our extensive representations of December 2016 (Examination in Public document ref. SS5) we maintain Site H591 - Land to the west of Cliffe Mount, Ferrand Lane, Gomersal is wholly suitable for housing development and in this we fully support the proposed release from the Green Belt and housing allocation.

2.03 In respect of site requirements for H591 we consider the text at p105 of Part 2 of the plan provides clear guidance in respect of the allocation. Turning to the listed constraints (and as set out within our Matter 26 Hearing Statement) we consider the Constraints listed for Site H591 to be inaccurate, as follows:

- No third party land is required to achieve the visibility splays;
- No improvements are required to the local highway network;
- No protected trees will be impacted by the potential access point on Cliffe Lane;
- There are no significant noise sources near the site.

2.04 Whilst we consider there to be sufficient detail within the H591 text we are of the view that these 'constraints' are misleading and should be omitted in order to render this part of the Plan sound and effective.

### **b) Is the indicative site capacity appropriate, taking account of constraints and the provision of necessary infrastructure?**

2.05 It is clear from the Local Plan as drafted that Site H591 is expected to deliver circa 3.87ha of housing land at an indicative capacity of 135 dwellings. We agree that there are no specific infrastructure or open space requirements that would need to be addressed by the Local Plan as part of the allocation of the site.

2.06 The site layout plan (Dwg. No. 1332 SK 05) enclosed at Appendix 1 of this Hearing Statement shows the development of 135 dwellings plus access at the point envisaged on Cliffe Lane and the necessary provision of 0.77ha of public open space. The density shown is a realistic 27.6 dwellings per hectare.

2.07 This layout has been the subject of extensive consideration by the project team from technical and environmental standpoints and also written pre-application advice by Kirklees Council dated 25 October 2017, a copy of which is enclosed at Appendix 2.

2.08 The pre-application consultations involved liaison with officers in respect of flood risk, highway design and safety, trees, ecology, landscaping, heritage and design. Section 4.3 of the written pre-application advice covers Layout and Design. No matters of concern are raised.

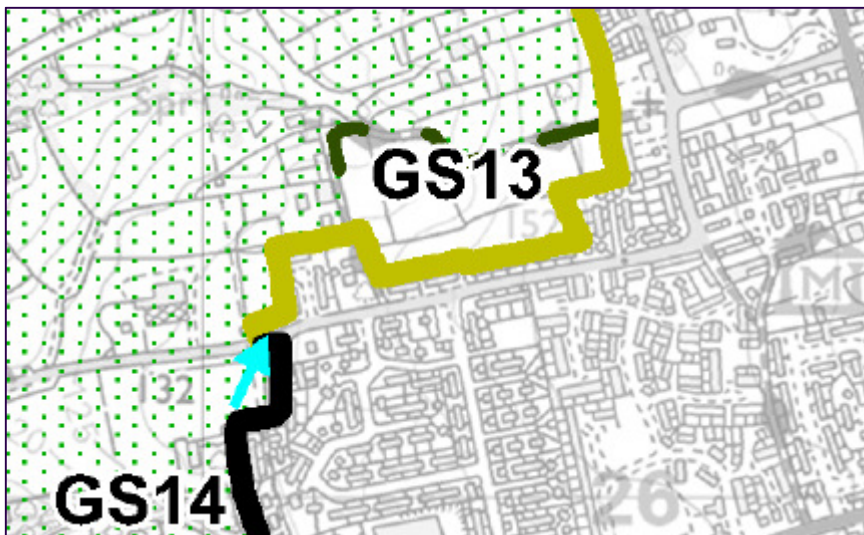
- 2.09 Our clients are keen to take the pre-application design advice into account in advance of a formal planning application, including comments in respect of heritage, space about dwellings, sustainable drainage and landscaping whilst delivering housing numbers in line with council aspirations. We consider development of up to 135 dwellings to be achievable whilst at the same time meeting good design requirements. As a result the indicative site capacity of 135 dwellings is considered to be wholly appropriate.
- 2.10 As the inspector has asked a site-specific heritage question, the impact of the proposals on heritage assets is dealt with in more detail below.
- 2.11 Either way, all design-related and density-influencing matters will be wholly controlled as part of the development management process when planning permission is sought.

**c) Is the site available and deliverable in the timescales set out in the Council's housing trajectory?**

- 2.12 The site is the subject of a Promotional Agreement between our clients KCS Development and the landowners. Under the terms of paragraph 173 of the National Planning Policy Framework in respect of ensuring viability and deliverability both landowners and developer are willing participants.
- 2.13 As noted above, development proposals are well advanced and planning permission can be sought as soon as housing allocation H591 is confirmed. The Council's trajectory as set out within the Housing Supply Topic Paper updated December 2017(EX30.2) indicates that Site H591 will deliver 30 dwellings per annum between 2020 and 2024. Carter Jonas Planning and Development has extensive housing market experience locally and we consider this trajectory to be wholly realistic.

**d) What effect would the proposed boundary change and allocation have on the Green Belt and the purposes of including land within it? Are there exceptional circumstances that justify altering the Green Belt? If so, what are they?**

- 2.14 The April 2017 Green Belt Review Supporting Document (EiP doc. ref. BP25) sets out the background to and methodology used by the council in its review of the Green Belt across Kirklees District as part of the Local Plan process.
- 2.15 This process identified current Green Belt boundaries and categorised them where:
- Development adjacent to the boundary within the Green Belt would lead to a degree of conflict with Green Belt purposes ranging from significant (5) to negligible (1)*
- 2.16 In effect the council has sought to identify locations across the district where development would have least impact on the Green Belt, taking into account boundary features and edge characteristics and considering those locations where development would have least impact on Green Belt purposes as set out within the NPPF.
- 2.17 The Green Belt at Site H591 has been considered in this respect and it was concluded that the degree of conflict would be minimal – i.e. 2 on the range from significant (5) to negligible (1). This is shown on the November 2016 Batley and Spennings Green Belt Review map extract below:



2.18 The supporting text concludes: -

*Development especially south of Ferrand Lane would have limited impact on openness.*

2.19 In proposing the amended Green Belt boundary at Site H591 we consider the council has closely followed the advice at NPPF paragraph 84, as follows:

*When drawing up or reviewing Green Belt boundaries local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.*

2.20 We also consider the advice at NPPF paragraph 85 has been closely followed in that the proposed Ferrand Lane Green Belt boundary is a strong and recognisable edge. It is not necessary to keep the land to the immediate south of Ferrand Lane permanently open and the identification of Site H591 for housing is consistent:

*... with the Local Plan strategy for meeting identified requirements for sustainable development...*

2.21 In conclusion we agree with the council that the release of Site H591 from the Green Belt is wholly supported by the wider Local Plan strategy and the NPPF. The effect on the five purposes of Green Belt land has been robustly considered and found to be minimal. The alteration of the Green Belt at this point is wholly justified. In this we agree with the council in respect of H591 that:

*The site would present a reasonable extension relative to the settlement it abuts, would have little or no impact on the purposes of including land in the green belt and presents the opportunity to create a strong new defensible green belt boundary.*

**i) H591 – land west of Cliffe Mount, Ferrand Lane, Gomersal. Have the impact of the proposals on the historic environment been adequately assessed and appropriate mitigation measures put in place?**

2.22 We are aware that the council has undertaken detailed assessment of the H591 housing proposals and potential effect on heritage assets, not only as part of the pre-application discussions noted above but also in advance of the proposed allocation of the land for housing.

2.23 We note Examination document BP28 entitled Correspondence received from Statutory Consultees after the Regulation 19 Publication Draft Local Plan Consultation April 2017. This includes a letter from Historic England dated 23 February 2017. This states:

*Further to our meeting last week, I feel that it would be helpful to clarify Historic England's position regarding the Sustainability Appraisal. We can accept your concerns that those reading our letter of 25 November, 2016 may misconstrue that we considered that there had been no evaluation, at all, of the impact of any of the sites upon the historic environment as part of the preparation of this Local Plan. In order to avoid any doubt, I can confirm that we do not consider this to be the case. In fact we fully acknowledge that the selection of sites which have been put forward as allocations in the Publication Draft have been arrived at following a series of evaluations by the Council of the potential impacts that of all the sites which had been put forward as allocations might have upon the historic environment. Indeed, the process undertaken to arrive at the selection of sites included in the latest iteration of the Plan is one which we would not only endorse but which has involved full consultation with, and considerable input from, Historic England. We also confirm that the Publication Draft did not include any of the sites whose development we considered to be likely to result in substantial harm to a designated heritage asset (and whose allocation, therefore, would be likely to conflict with national policy guidance).*

2.24 For ease of reference we enclose at Appendix 4 the independent Heritage Impact Assessment submitted as part of our December 2016 representations. This was prepared by Mr Lindsay Cowle (B Arch, Dip Cons (Dist), RIBA, IHBC and CAABC).

2.25 Whilst the north-eastern corner of Site H591 is close to the boundary with Gomersal Conservation Area and the curtilage of a Grade II listed building we draw attention to Mr Cowle's conclusion at paragraph 7.0 which notes:

*The proposed development site is physically and visually remote from the majority of the conservation area, particularly due to the presence of the intervening ridge and modern housing, and even where the two areas come into close proximity the impact will be negligible. The conclusion of this analysis is therefore that development of the proposed site for housing will have no detrimental impact on the conservation area, or on any of the listed buildings within the area.*

2.26 In view of the careful consideration of heritage implications by council officers, Historic England and a heritage expert appointed by KCS Development we are strongly of the view that the impact of the proposals on the historic environment have been more than adequately assessed. In view of the conclusion that development of the proposed site for housing will have no detrimental impact on either the conservation area or any of the listed buildings within the area it is wholly reasonable to conclude that no built heritage-related mitigation measures are required.

### 3.0 CONCLUSION

- 3.01. In conclusion we support the approach taken within the Local Plan apart from the concerns noted above in respect of the suggested constraints for Site H591.
- 3.02. Subject to the deletion of the bullet points in respect of visibility splays, local highway links, protected trees and noise we consider the text in respect of H591 to set out an effective basis for the delivery of the site for housing.
- 3.03. In all respects we consider Site H591 to be suitable for the proposed housing use and at the capacity indicated. The site is available and deliverable in the timescales set out in the Council's housing trajectory. There will be no more than minimal effect on the wider Green Belt and/or purposes of including land within it and potential effects on the historic environment have been fully considered and found to be negligible.
- 3.04. We trust this Hearing Statement and as presented at the Matter 26 hearing session will be taken into account within the Inspectors' report.



**APPENDIX 1: DWG. NO. 1332 SK 05 – SITE LAYOUT PLAN**

**APPENDIX 2: KIRKLEES COUNCIL PRE-APPLICATION RESPONSE**

## **APPENDIX 3: HERITAGE IMPACT ASSESSMENT**

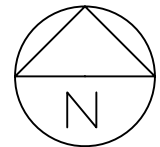
All site dimensions shall be verified by the contractor on site prior to work commencing

Do not scale from this drawing  
Only work to written dimensions

This drawing is the property of Ellis Healey Architecture and copyright is reserved by them. The drawing is not to be copied or disclosed by or to any unauthorised persons without the prior written consent of Ellis Healey Architecture.

NOTES

Site layout subject to detailed level and topographical review



SCHEDULE OF ACCOMODATION

<p><span style="color: yellow;">■</span> TYPE 2A - 2 BED SEMI-DETACHED- 646 SQ FT (60 SQ M) 1no. OFF STREET PARKING SPACES</p>	52
<p><span style="color: purple;">■</span> TYPE 3A - 3 BED DETACHED - 912 SQ FT (84.7 SQ M) DETACHED GARAGE/OFF STREET PARKING</p>	5
<p><span style="color: blue;">■</span> TYPE 3B - 3 BED SEMI-DETACHED - 785 SQ FT (73 SQ M) OFF STREET PARKING</p>	54
<p><span style="color: brown;">■</span> TYPE 3C - 3 BED DETACHED - 904 SQ FT (84 SQ M) 2no. OFF STREET PARKING SPACES</p>	11
<p><span style="color: pink;">■</span> TYPE 4A - 4 BED DETACHED - 1,237 SQ FT (115 SQ M) DETACHED GARAGE</p>	10
<p><span style="color: red;">■</span> TYPE 4B - 4 BED DETACHED - 1,170 SQ FT (108.7 SQ M) INTEGRAL GARAGE</p>	3
<hr/>	
TOTAL	135
NOTE: G.I.A. SHOWN EXCLUDING GARAGE SPACE	

**DRAFT**

**ellis healey**  
architecture

SKETCH

PROJECT: PROPOSED DEVELOPMENT  
LAND AT FERRAND LANE  
GOMERSAL

TITLE: PROPOSED SITE PLAN

DRAWING NO: 1332 SK 05

BYCHECKED: DPE DATE: MAY 2017

SCALE @A2: 1:1000

Round Foundry Media Centre, Foundry Street, Leeds, LS11 5QP  
Tel: 0113 3044355 E-mail: info@ellishealey.com

PROPOSED NEW ACCESS  
SUBJECT TO DETAILED  
DESIGN AND APPROVAL.

Enquiries to: Louise Bearcroft

Mr Courcier  
Regent House  
13-15 Albert Street  
Harrogate  
HG1 1JX

## Planning

Investment and Regeneration Service  
PO Box B93, Civic Centre 3,  
Off Market Street, Huddersfield, HD1 2JR

Tel: 01484 221000  
Email: [louise.bearcroft@kirklees.gov.uk](mailto:louise.bearcroft@kirklees.gov.uk)

Paul Kemp  
Acting Assistant Director  
Investment & Regeneration

Date: 25-Oct-2017  
Our Ref: 2017/20254

Dear Sir

### **RE: Pre application for 135 dwellings at Land to the North, Cliffe Lane, Gomersal, BD19 4SB**

I acknowledge receipt of your application for pre-application advice submitted on 29-Jun-2017 for the above location.

#### **1. Summary of your proposals**

Your enquiry relates to a proposed residential development of 135 dwellings at land to the north of Cliffe Lane, Gomersal. A block plan has been submitted showing 135 dwellings with access off Cliffe Lane.

#### **2. Land Allocation and Relevant Planning Policies**

On the Kirklees Unitary Development Plan (UDP) Proposals Map the site is allocated as green belt.

The following saved policies would be relevant to this proposal:

- BE1:** General Design principles
- BE2:** Quality of design
- BE12:** Space about buildings
- T10:** Highway Safety
- T19:** Parking
- T16:** Pedestrians Safety
- EP11:** Ecological landscaping
- G6:** Contaminated Land
- H1:** Meeting housing needs in the district
- H10:** Affordable housing
- H12:** Affordable housing
- H18:** Public Open Space

**EP4:** Noise sensitive development

**EP11:** Integral landscaping scheme to protect / enhance ecology

**NE9:** Retention of mature trees

The following chapters of the National Planning Policy Framework 2012 (NPPF) would also be relevant:

- **Chapter 6:** Delivering a wide choice of high quality homes
- **Chapter 7:** Requiring Good Design
- **Chapter 9:** Protecting Green Belt land
- **Chapter 10:** Meeting the challenge of climate change, flooding and coastal change
- **Chapter 11:** Conserving and Enhancing the natural environment

The Council is currently in the process of reviewing its development plan through the production of a Local Plan. The Council's Local Plan was submitted to the Secretary of State for Communities and Local Government on 25<sup>th</sup> April 2017, so that it can be examined by an independent inspector. The weight to be given to the Local Plan will be determined in accordance with the guidance in paragraph 216 of the National Planning Policy Framework. In particular, where the policies, proposals and designations in the Local Plan do not vary from those within the UDP, do not attract significant unresolved objections and are consistent with the National Planning Policy Framework (2012), these may be given increased weight. Pending the adoption of the Local Plan, the UDP (saved Policies 2007) remains the statutory Development Plan for Kirklees.

### **3. Consultations**

As part of the pre application advice service we have consulted the following internal consultees who would be part of the decision making process should an application be received:-

- Highways
- Environmental Services
- Lead Local Flood Authority
- Arboricultural Officer
- Ecologist
- Conservation and Design
- West Yorkshire Police Architectural Liaison Officer
- Strategic Housing
- Landscaping
- Education

### **4. Relevant Matters for Consideration**

#### **4.1 Principle of Development**

The site is located within the green belt on the Kirklees Unitary Development Plan Proposals Map. Paragraph 87 of the National Planning Policy Framework stipulates that as with previous Green Belt policy, inappropriate development is, by definition, harmful to



the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 stipulates that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason on inappropriateness, and any other harm, is clearly outweighed by other considerations. Paragraph 89 stipulates a Local Planning Authority should regard the construction of new buildings as inappropriate in the Green Belt. The proposal does not fall under one of the exceptions in Paragraph 89 and is inappropriate development.

The site forms a part of a wider draft housing allocation in the emerging local plan (H591). It is considered that the proposed Local Plan housing allocation of this green belt site cannot be afforded significant weight in the planning applications process at this stage. The green belt boundary can only be altered in exceptional circumstances, through the preparation or review of a Local Plan. The Local Plan has reached an advanced stage but there are unresolved objections to the approach to the release of land from the green belt for development. Any certainty relating to the removal of sites from the green belt would only be provided by the adoption of the Local Plan (expected in 2018). Until this point, the statutory green belt boundary remains as shown in the adopted Kirklees Unitary Development Plan and proposals for inappropriate development in the green belt will need to demonstrate very special circumstances for an application to be approved. No very special circumstances have been provided and officers are unable to support the principle of residential development on this green belt site.

Without prejudice to the Council's position on the principle of development, consultees have provided their technical comments on the proposed layout (1332 SK 05) as follows:

#### **4.2 Highway Matters**

The enquiry is supported by a Transport Appraisal letter which mainly details the surrounding context of the site. The site is proposed to be served by a new access directly from Cliffe Lane with the site being served by an internal estate road forming cul-de-sacs with angular turning heads. There are no in-principle objections or concerns from Highways Development Management at this stage. Any detailed application coming forward would need to be fully supported by a comprehensive Transport Assessment and Travel Plan. The scope of any Transport Assessment would need to be agreed with Highways Development Management in advance. Any Transport Assessment would need to sufficiently demonstrate the traffic generation and distribution profile of the development and demonstrate that the internal site layout is fit for purpose.

The proposed access and internal site layout would need to be designed to fully adoptable standards. The proposed site access would need to achieve the required vehicular visibility splays and be supported by a Stage 1 Road Safety Audit. Internally to the site, the Transport Assessment should be supported by swept path analysis vehicle tracking demonstrating that an 11.85m refuse vehicle can access and egress the site in a safe and efficient manner and demonstrate that the proposed turning heads are fit for purpose in this regard. The development will be required to fully meet the Council's adopted parking standards and this will need to include visitor parking provision.

### **4.3 Layout and Design**

The site borders the boundary of the Gomersal Conservation Area, and to the north-east of the site is the grade II listed Gomersal Methodist Church. The proposal will need to have regard to the impact on the setting of these heritage assets. It is also important that the agricultural feel of the land is maintained. The layout shown on plan Ref 1322 SK 05 is for a high density of development and closely spaced dwellings, particularly in the north-eastern corner of the site. Consideration needs to be given to providing adequate space about buildings, and a mitigative landscaping to integrate the proposed development into its surroundings. The details of the landscaped areas and areas of public open space should include any SUDs proposals as these will affect what planting can be achieved.

The proposed development should incorporate crime prevention design with front gardens to have a marked boundary, and the avoidance of shared rear access footpaths. Dwellings should have boundary treatment of an adequate height, and public spaces should be well overlooked and illuminated. Car parking provision should be in curtilage or within view of the car owner's home.

### **4.4 Ecology and Trees**

The predominant habitats on site appear to be of low ecological value, although the site may support important ecological features. The site appears to have capacity to be developed for residential use while avoiding significant ecological impacts, however appropriate surveys will be required to demonstrate that the proposals will avoid significant ecological impacts and that the mitigation hierarchy has been applied. The recommendations identified in the Preliminary Ecological Assessment undertaken to support its proposed allocation in the Local Plan should be incorporated into the design proposals.

An issue that needs investigation is the potential of the proposals to impact on the green infrastructure resource. Part of the site is identified as part of the Kirklees Wildlife Habitat Network. Due to the scale of the proposals and the presence of identified green infrastructure resource, any application should be supported by an Ecological Impact Assessment produced in accordance with CIEEM guidance.

Any future application should also be accompanied with a BS5837 Tree Survey. The tree constraints as identified by the survey should be used to adapt the layout to allow for the retention of trees within the proposals as per UDP policies NE 9, mature trees to be retained; or BE2, existing trees to form an integral part of the design.

The layout submitted does present a few issues with the existing trees such as proximity of roads or houses to trees and shade issues were houses are close to trees on the southern and western boundary. These issues should be addressed in any future proposals and/or detailed within the Tree Survey. There are protected trees near the access point to the site and at the north eastern corner of the site.

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



This site is located in main river flood risk zone 1– Low Risk. However the site is greater than 1 hectare and a formal flood risk assessment (concentrating on surface water only) is required.

Catchment flood risk maps indicate the overland flows may build up at Ferrand Lane but not affect the site. It is likely that run off from the site contributes to this flood risk. Localised flood reports at Cliffe Mount are attributable to blocked gullies and can be discounted from further assessment. It is expected that an analysis of overland flow for the undeveloped site is required and a justification on layout with regard to flow routes having been considered is provided. Overland flow routes from blockage scenarios and exceedance events should look to use the road network and open spaces as conduits and avoid curtilage where reasonably practicable. The site plan promoted appears to put property at risk and fails to make room for attenuation.

BGS data indicates that infiltration SUDS in this area might be suitable. A geotechnical evaluation is expected to explore this further in the FRA. Certain SUDS features may not be adoptable either by Kirklees Council or Yorkshire Water. It is likely therefore that separate highways and plot soakaways will be the most likely solution. Early dialogue with regard to position and flow routes from soakaways is advised with the LLFA and Section 38 departments within the Council.

Should soakaways prove ineffective, or there are ground instability or re-emergence issues. Watercourse should be considered next. A spring is shown on OS Maps approximately 200 metres to the North West. However historical plans show an open watercourse through wooded areas much nearer to the site. It is quite possible therefore that connections could be available. However permission from 3<sup>rd</sup> party land owners may be required. Highway ditches along the 'unadopted' Ferrand Lane have been noted. However the outfall has not been investigated. This should be done for the FRA on searching for an outfall.

There is a presumption that greenfield discharges of 5l/s/ha will be granted to open watercourses from this site. Where enclosed pipework or culverts are involved, discharge rates may be reduced depending on capacity and condition. Permission of the private owners will be required in addition to land drainage consent.

There are no recorded public sewers downstream of the site. Pumping can be considered for foul water if necessary. However there must be no pumping to foul sewers, highway drainage of surface water. Kirklees Flood Management will object to pumping water across catchments in terms of sustainability issues and failure to mimic the current drainage of the site, i.e. uphill to a different catchment.

Any attenuation must cater for the 1 in 30 and 1 in 100 + 30% climate change event. There doesn't appear to be adequate space made for attenuation within the promoted layout with open space in the centre of the site.

If a long duration exceedance event or blockage causes attenuation to surcharge, a safe flood route avoiding property is required. If a short intense event occurs resulting in water cascading overland along the road network (gullies not taking the flow), we expect the design to have a safe flood routing avoiding property by utilising the road network and

open space. Where this is not reasonably practicable (small cul de sacs away from the main flow route), mitigation will be accepted.

The LPA is obliged to ensure the maintenance and management of sustainable drainage for the lifetime of the development. A management company is envisaged along with a suitable plan to cover this requirement until such a time that the drainage features are adopted by a responsible body.

A temporary plan to deal with additional run off post site soil and vegetation strip will be required to avoid downstream flooding and sedimentation of watercourses and local drainage networks.

It is strongly recommended that drainage matters are considered prior to the consideration of a possible layout to avoid putting property at risk.

#### **4.6 Contributions**

The application attracts contributions for affordable housing, education and public open space.

Affordable Housing – The Kirklees Interim affordable housing policy requires 20% of dwellings on sites with over 11 or more dwellings for affordable housing. On-site provision is preferred. In this case 27 dwellings can be allocated for affordable housing, to include 15 affordable rent dwellings and 12 intermediate dwellings. In this area there is demand for affordable homes from 1-2 bed to 3 bed+.

Public Open Space – On-site public open space is required at a rate of 30 sqm per dwelling.

Education – An education contribution of £572,99 is required.

#### **4.7 Environmental Matters**

The development has been assessed in accordance with the West Yorkshire Low Emission Strategy Planning Guidance and is regarded as a major development. You will be required to provide a Full Air Quality Impact Assessment including calculating the monetary damages from the development. The monetary value of the damages should be reflected in money spent on low emission mitigation measures. You will also be required to produce a Travel Plan including mechanisms for discouraging high emission vehicle use and encouraging modal shift (i.e. public transport, cycling and walking) as well as the uptake of low emission fuels and technologies. In addition you will need to install 1 charging point per dwelling with dedicated parking, or 1 charging point per 10 unallocated parking spaces.

Whilst this site is not recorded as potentially contaminated, the proposed size is such that as minimum of a Phase I (Desk Top Study) contaminated land report is required. Depending on the outcome of the report, further site investigation/remediation may be required.

A noise report should accompany any planning submission to address all noise sources likely to affect the site including commercial activities nearby and road traffic noise. Noise mitigation measures may be required based on the report's conclusions.

#### **4.8 Ward Member Comments**

Councillor Lisa Holmes and Councillor David Hall attended the pre-application meeting and provided their comments.

#### **4.9 Conclusion**

In summary, officers are unable to support the principle of residential development on this green belt site. Although the site forms a part of a wider draft housing allocation in the emerging local plan (H591), until the adoption of the Local Plan (expected in 2018), the statutory green belt boundary remains as shown in the adopted Kirklees Unitary Development Plan and proposals for inappropriate development in the green belt will need to demonstrate very special circumstances for an application to be approved.

#### **5. Validation Requirements**

Should you wish to pursue an application, the information you need to provide with your application is detailed in the Validation checklist which can be viewed under the heading 'Guidance and advice notes' on the Kirklees Planning and Development website:

<http://www.kirklees.gov.uk/beta/planning-and-development.aspx>

#### **6. Planning Application Fee**

You can use the following link to calculate how much the planning fee would be for your proposal:-

<https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>

I hope you find this information helpful

Yours faithfully

#### **Disclaimer**

Any views or opinions expressed are in good faith, and without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given. You should be aware of the Council's Local Development Scheme which sets out the programme for developing its Local Plan. You are advised to seek further advice once any consultation drafts are published.

Caution should be exercised in respect of pre-application advice which is not submitted within a short time of the Council's advice letter.

Yours Faithfully

David Wordsworth

Major Applications Team Leader

# **PROPOSED DEVELOPMENT**

at

**LAND AT FERRAND LANE, GOMERSAL**

# **IMPACT ASSESSMENT**

prepared by

Lindsay Cowle B Arch Dip Cons (Dist) RIBA IHBC CAABC

(Conservation Consultant)

**March 2016**

## **PROPOSED DEVELOPMENT AT FERRAND LANE, GOMERSAL**

### **IMPACT ASSESSMENT**

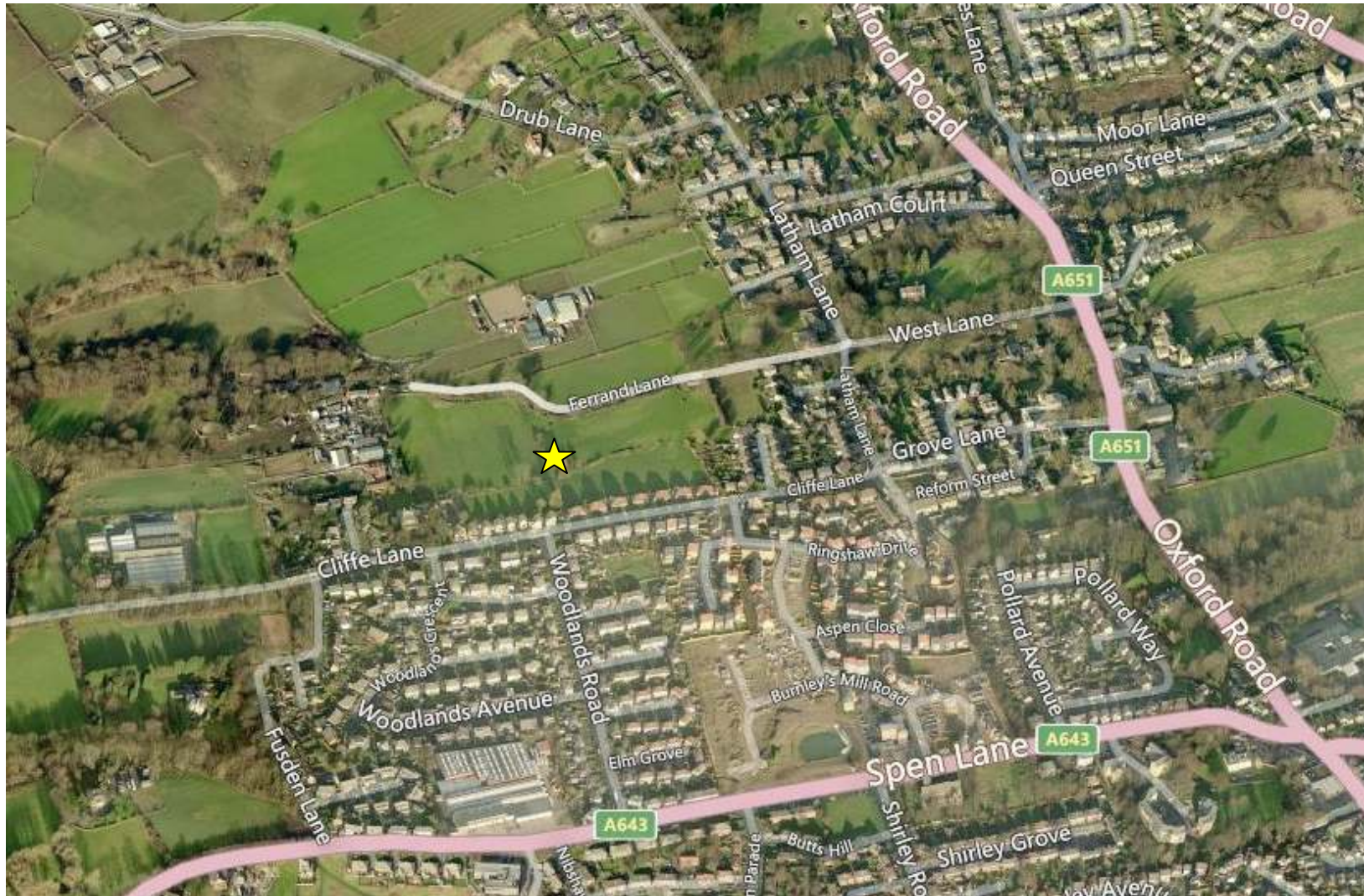
#### **1.0 INTRODUCTION**

- 1.1 This Impact Assessment has been prepared in support of a representation made to Kirklees District Council to approve in principle the allocation in the Local Plan of land on Ferrand Lane, Gomersal, for future residential development. It is made in view of the fact that the central part of the settlement of Gomersal is designated as a conservation area, and that Historic England has required an impact assessment on the conservation area to be made before it can give its response. This must necessarily include the impact on any Listed buildings in the area.
- 1.2 This Assessment relates only to building conservation matters and does not cover other land allocations and policies.

#### **2.0 LOCATION AND BRIEF DESCRIPTION**

- 2.1 Gomersal is an historic settlement in the eastern foothills of the Pennines, located centrally between the cities of Leeds, Bradford, Wakefield and Huddersfield. It is essentially a linear settlement along a north-south ridge, following an historic route (- now the A651 Oxford Road -) connecting Bradford (to the north) and Dewsbury and Huddersfield (to the south), at a point where the route diverged and was intersected by other cross-country roads.
- 2.2 The settlement is roughly 2.5 km in length extending from the modern M62 motorway (at the north end) to the outskirts of Heckmondwicke (at the south end). In the centre of the settlement the A651 is crossed by the east-west A643 road (- Spen Lane-) from Birstall to Cleckheaton (see **Fig 1**). The character of the settlement is primarily residential, with much modern housing development on the west side, centred around Spen Lane.
- 2.3 Much of Oxford Road to the north of Spen Lane retains its historic character and has been designated as a conservation area, including short branches off to the east and longer branches to the west, especially along West Lane (see **Fig 1**): the latter leads to the Grade II Listed Methodist church of 1827-8 which terminates the conservation area: thereafter it becomes a small lane (Ferrand Lane) descending between fields to the Throstle's Nest farmstead. The proposed development site is on the south side of Ferrand Lane, on existing fields falling distinctly to the west and northwest.

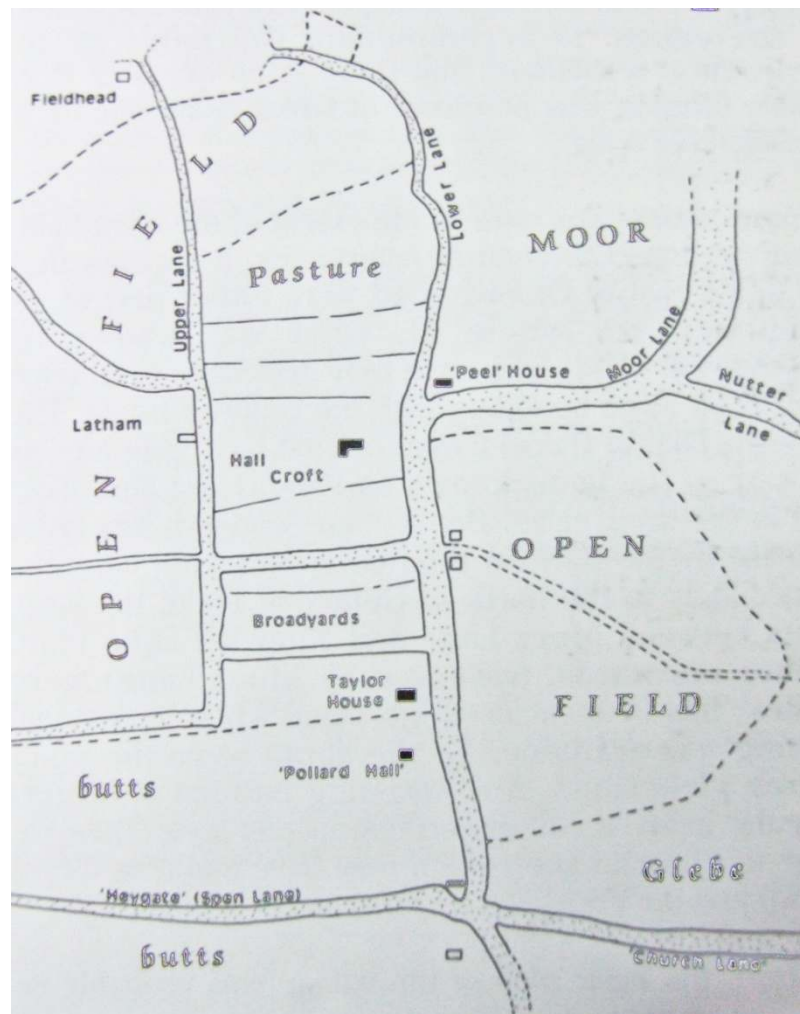




Aerial view of north part of Gomersal, proposed development site starred yellow. **Fig 1**

### 3.0 HISTORY

- 3.1 In the absence of a conservation area character appraisal it is necessary to carry out a rough assessment of the area, including its historic origins, in order to identify any characteristics which might be affected by the proposed development. The history is described in detail in *'Gomersal - a Window on the Past'* by Gillian Cookson 1992.
- 3.2 There is known to have been a settlement here in pre-Conquest times, and Anglo-Saxon relics in the Norman church of St Peter at Birstall nearby would seem to bear this out. In common with much of the area in the eastern foothills of the Pennines the local industry was agricultural, particularly sheep rearing, supplemented by domestic textile production in the winter months: domestic cloth production was well established here by the 17th century, sold through the Leeds and Halifax markets. Coal mining and iron ore extraction had also been established by the 14th century.



Suggested layout of mediaeval village (Cookson) showing major houses **Fig 2**



- 3.3 Gomersal in particular benefitted from the growing and profitable textile industry and the yeoman houses and farmsteads scattered along the ridge were joined by larger houses of considerable wealth and status, indicating the Gomersal was already an attractive and prestigious place to live. Some of these still survive within the conservation area eg Peel House and Pollard Hall, both from the 17th century or earlier (see **Fig 2**). There was however no central focus to the settlement, the manor house and church being located further east for ease of access to the wider area.
- 3.4 The status and influence of the settlement was such that in 1775 a Cloth Hall was built in Gomersall to try to break the monopoly of the Leeds White Cloth Hall, although its success was short-lived. It later became a woollen mill (see **Fig 3**).
- 3.5 Mechanisation was introduced at the end of the 18th century to deal with the preparation and finishing processes in factories, but powered weaving was not available until well into the 19th century, and Gomersal is recorded as still having 130 hand-loom weavers in 1840. The area was prominent in the Luddite uprising of 1812 when many rioters were injured or killed and the leaders were executed in York.
- 3.6 The 18th century Red House Museum on Oxford Road (formerly the residence of the prominent Taylor family, see **Fig 2**) is noted as featuring in Charlotte Bronte's novel '*Shirley*', which drew material from the Luddite riots.
- 3.7 In 1826 the turnpike road from Bradford was completed, rising southwards up the east flank of the ridge to the ridge summit at 'Gomersal Hill Top' where it was crossed by Spen Lane. The ridge summit was otherwise marked by Upper Lane (now Latham Lane) - see **Figs 1 and 2**.
- 3.8 The earliest detailed map of the area (- the Ordnance Survey map of 1854, see **Fig 3** -) shows the northern part of Gomersal relevant to this assessment. Evidence of the cottage woollen and weaving industry is evident in the tenter frames in the surrounding fields: at the same time it is evident that the area was undergoing much more radical industrialisation, with large woollen mills, coal pits, stone quarries, brick works and rope works taking over the fields, with their associated catchment ponds and reservoirs.
- 3.9 The map shows buildings (- mostly houses -) scattered rather randomly along the north-south highway, with smaller houses on the east side and larger detached houses in substantial grounds on the west side: they may have housed the mill owners or other industrialists. Farrend Lane already exists, serving Throstle's Nest farm, with open fields either side. By this time the non-conformist churches had taken root in the village, taking advantage of the lack of a Protestant church in the vicinity, with a Wesleyan (now Methodist) chapel built at the end of West Lane and a Congregational (now United Reformed) chapel on Oxford Road, both built in the 1820's. A fine Public Institute of classical design was built on Oxford Road in 1860.



Ordnance Survey Map 1854 **Fig 3**

- 3.10 The Ordnance Survey map of 1894 (see **Fig 4**) shows relatively little change. The previous industrial activities appear to have diminished, with fewer coal pits, quarries and brick fields etc. Gomersal was unable to keep pace with the industrialisation of the area due to its elevated position, the mills etc tending to migrate to the valley bottoms where there was a better supply of water: the village therefore avoided the damaging new developments found in many other east Pennine villages.
- 3.11 The last major development to affect the village was the construction of the LNWR Heaton Lodge and Wortley failway line from Leeds to Heckmondwyke, built at around the turn of the 19th century: however, its impact was limited as the line was tunnelled under Gomersall from a point north of Ferrand Lane to the north end of the village, emerging next to what is now Queen Street (see **Fig 5**).



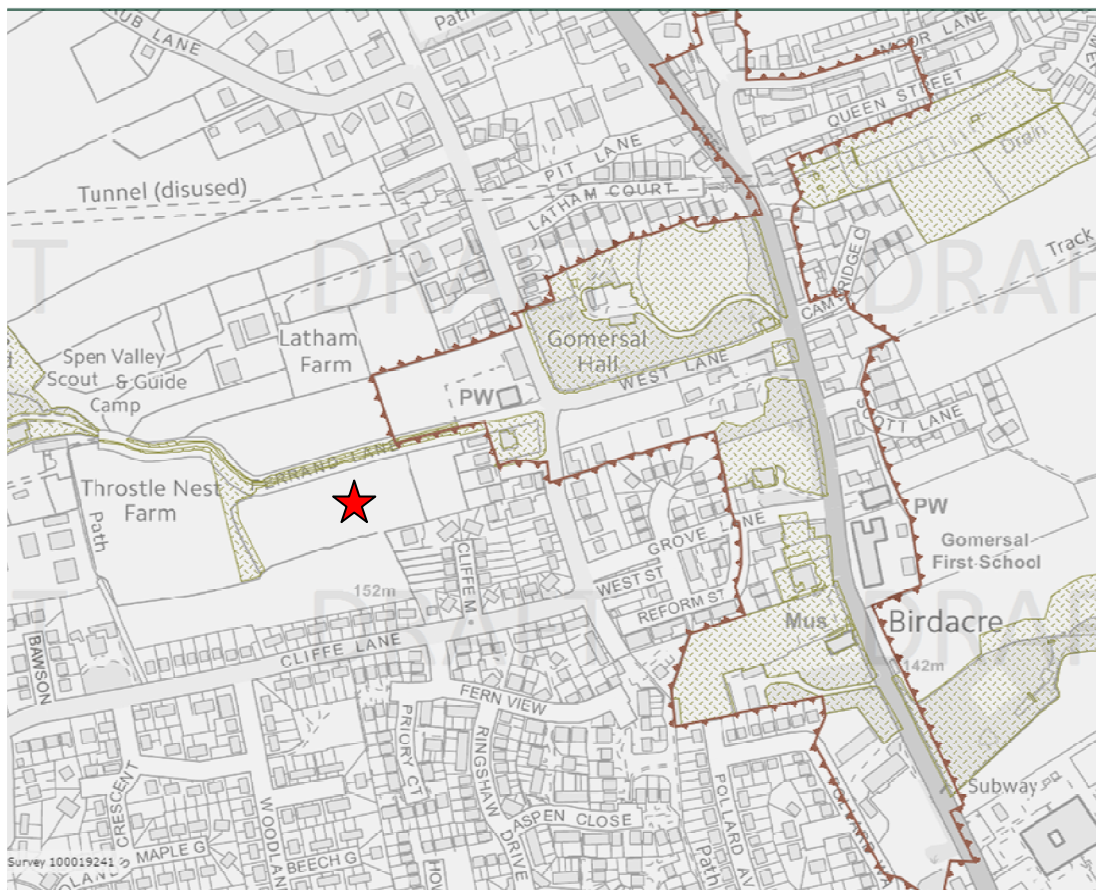
Ordnance Survey Map of 1894 Fig 4



Ordnance Survey Map of 1944 Fig 5



- 3.12 The Ordnance Survey map of 1944 (see **Fig 5**) still shows relatively little change apart from the expansion of the Gomersal Mill on Spen Lane, and the impression is one of a settled residential area liberally interspersed with mature trees. The Methodist chapel had by now (prior to or around 1900) expanded along Ferrand Lane by acquiring an adjoining plot, no doubt intended to serve the Sunday School which had been added at that time.
- 3.13 The 1944 map shows the first mass (pre-War) housing development, consisting of a small cluster at the south end of Latham Lane and on the corner with Cliffe Lane, on summit of the ridge. Following the closure and clearance of the Gomersal Mill this was to be followed by much more mass housing development along and between Spen Lane and Cliffe Lane (see **Fig 1**), along the ridge and down the western slopes.
- 3.14 Gomersall has been designated as a conservation area by Kirklees District Council, and a conservation area character appraisal is awaited.



Plan showing conservation area, proposed development site starred red. **Fig 6**

#### 4.0 THE CHARACTER OF THE CONSERVATION AREA

- 4.1 The following is a description of the conservation area, as seen travelling northwards along Oxford Road from Spen Lane to the bifurcation at the north end of the area.
- 4.2 After the Spen Lane Road junction some of the key characteristics which distinguish the conservation area from the general topography of the wider area are soon apparent: the road is spacious, flanked by mature trees which overhang the road and bounded by well constructed stone walls with shaped copings. To the west are large period houses in spacious grounds screened by vegetation (notable the Grade II\* Pollard Hall), with 'through views' obscured by trees: the adjoining Grade II Red House with its classically designed coach house indicates an affluent and settled residential area. To the east there is a more rural setting, with a wood followed by a field sloping away to the valley below and giving long views of the ridges beyond.
- 4.3 The first nucleus of buildings near the Grove Lane junction includes the classically designed and Grade II Listed public hall to the west and the Grade II Congregational Chapel to the east, giving a strong sense of community and quality. Otherwise the large secluded houses which continue on the west side, within high enclosing walls bounded by trees, are now joined on the east side by more modest terraced and workers' houses, several occupied by shops or businesses, in a more tight knit suburban form (see **Figs 7 and 8**).
- 4.4 At this point Oxford Road starts a distinct descent to the north, and its strategic location traversing the east flank of the ridge is apparent: to the east the land slopes away with more long views between buildings to the valley bottom and the hillsides beyond, and the larger houses appear to have been located to take advantage of these easterly views. By contrast, Grove Lane rises steeply to the west and quickly reverts to being an access road to the Post-War housing estates on the ridge top and beyond.
- 4.5 Beyond West Lane (- which is described later in 4.6 -) Oxford Road passes a final large house on the west side (- Gomersal house, which is invisible from all sides due to its high boundary wall and tree screen -) followed by new housing developments. The street pattern becomes more fragmented near the 'Shoulder of Mutton' public house where Knowles Lane continues the historic road line and the later turnpike road veers off to the west. The Grade II\* Listed Peel House on Knowles Lane forms a visual 'stop' to the conservation area (see **Fig 10**) and provides a final reminder of the age and status of the settlement, and before that both Queen Street and Moor Lane turn down steeply to the east and contain a handful of original terraced or semi-detached houses representative of the Victorian middle classes (see **Fig 9**).
- 4.7 Along this length of Oxford Road there is little evidence of industry or sources of employment, but the agricultural origins of the settlement are still discernible in the older surviving farmhouse such as the Grade II Listed Sigston Hall.



View south along Oxford Road near Grove Lane **Fig 7**



View south along Oxford Road near West Lane **Fig 8**



View down Moor Lane **Fig 9**





View north up Knowles Lane, to Peel House **Fig 10**



View westwards up West Lane **Fig 11**



Congregational chapel from Latham Lane **Fig 12**  
(entrance to Ferrand Lane between chapel and Victorian villa beyond)

- 4.8 The only real departure from this north-south linear conservation area is a branch running off westwards up West Lane (see **Fig 11**). The initial character is that of an unspoilt narrow country lane, bounded on the north side by the high boundary walls and trees of Gomersal Hall and on the south (after some currently derelict buildings) by a hedge bounding a paddock, suggesting a transition into open countryside. This impression is however short-lived on reaching Latham Lane, which serves modern housing to both north and south, and the main purpose of the deviation is to include the attractive and Grade II Listed Methodist Chapel and its Sunday School located on the summit of the ridge (see **Fig 12**).
- 4.9 Beyond the Latham Lane road junction Ferrand Lane continues the line of West Lane, starting as a wide unadopted and unmade road introduced by a large Victorian villa on the south corner, bounded by mature trees, followed by modern houses and fields (see **Fig 13**). On the north side is the Methodist chapel churchyard, bounded by mature trees, and a further area also bounded by trees, possibly intended to serve the Sunday School but now of no obvious purpose.
- 4.10 At this point the conservation area stops and the character of the area changes dramatically. Having crossed the ridge Ferrand Lane narrows and descends steeply between fields and wide views now open up to the north and west. To the south side of the lane the steeply sloping fields descending from the modern housing on the skyline are the location of the proposed housing development (see **Fig 14**).
- 4.11 The main characteristics of the conservation area can therefore be summarised as follows:
- A spacious and unspoilt road (Oxford Road) curving gently and descending south to north through the entire length of the conservation area along the eastern flank of the ridge, with a prime aspect to the east over a rural setting and limited uphill views to the west stopped by mature trees or modern housing.
  - Road and property curtilages bounded by attractive stone walls and - west of Oxford Road - bounded and sometimes extensively filled by mature trees.
  - A surviving and attractive section of unspoilt country lane (West Lane).
  - A large number of Listed detached houses of high quality on the west side of Oxford Road, in spacious and secluded grounds, indicating the appeal and success of this area historically through early industry and later as a residential area.
  - The historical association with Charlotte Bronte (Red House).
  - Some surviving historic farmhouses and agricultural buildings indicating the origins of the settlement.
  - Some modest workers' houses and later middle class houses making up the social and economic mix and providing evidence of social change.
  - A high proportion of good quality public buildings, both civic and religious, many of which are Listed, indicating a strong sense of community.
  - Predominant value provided by individual buildings rather than by spatial qualities.





View westwards from Ferrand Lane **Fig 13**



View from Ferrand Lane across proposed development site **Fig 14**



View south-eastwards from Drub Lane, Ferrand Lane in centre **Fig 15**

## **5.0 THE PROPOSED DEVELOPMENT**

- 5.1 The location of the proposed development site on Ferrand Lane is shown on **Fig 1** and **Fig 6**. An indicative layout has been produced to support the representation to allow housing allocation and this is attached below as **Fig 16**.
- 5.2 **Fig 16** shows the site being accessed via a new junction off Cliffe Lane, which is well outside the conservation area and whose frontages have already been developed as modern housing. Because of the large size of the site provision is made for an emergency 'escape' access to Ferrand Lane but otherwise the new houses would have their rear gardens backing onto Ferrand Lane, with no vehicular connections, allowing the lane hedges to be preserved. Ferrand Lane would remain unadopted.

## **6.0 IMPACT ON THE CONSERVATION AREA**

- 6.1 The purpose of the above analysis has been to identify the essential characteristics of the conservation area, and its setting, in order to be able to assess whether the proposed development could cause direct or indirect harm to it.
- 6.2 The analysis shows that the conservation area derives much of its character from its historic buildings, rather than from its spatial qualities or its relationship with the wider landscape. It is therefore somewhat enclosed and inward-looking, and its qualities tend to be appreciated at close quarters and do not involve a wider context.
- 6.3 Any views out of the conservation area are almost exclusively to the east, down the valley slope, giving the conservation area an easterly aspect. Whilst they are incidental they do help to confirm the rural setting and origins of the settlement, and add to the character of the area. In contrast, the proposed development site lies on the opposite side of the ridge, facing west, with no visual connection with the bulk of the conservation area and separated from it by existing modern housing. At ground level the profile of the ridge results in a far greater division between the two areas than is apparent in the aerial and plan views (**Fig 1** and **Fig 6**), and the development site can be largely regarded as being visually unrelated and irrelevant.
- 6.4 The only area in which the development site and the conservation area come close enough to have any possible relationship is at the west end of West Lane and the start of Ferrand Lane, around the Methodist chapel (see **Fig 6**). On the south side of Ferrand Lane the conservation area boundary takes in the corner Victorian villa but not the houses beyond, which therefore prevent the two areas from meeting. The new development would therefore have no visual impact along this boundary.

- 6.5 On the north side of Ferrand Lane the conservation area boundary extends a short distance down the centre of the lane, and at this point the new development to the south would be opposite the extension to the chapel site to the north made around 1900 (see 3.12 above). The function of this part of the chapel site is unclear - it may have been intended to serve as a recreation area for the Sunday School but there is no evidence. It does not seem to have been used as an amenity area for the chapel and the graveyard to the east was always more than capable of providing enough space for burials.
- 6.6 This area of the chapel site was presumably included in the conservation area in order to take in the full curtilage of the chapel and its stone boundary wall and trees (see **Fig 13**), which is logical. Apart from the fact that it falls to the west, whereas the chapel is on land still falling to the east, the chapel is orientated firmly to the east, turning its back to the churchyard and with no suggestion that views to the west were of value.
- 6.7 The chapel itself is far enough away from the proposed development site that - bearing also in mind its orientation - its setting would not be materially affected. Whilst nearer, its graveyard would also not be significantly affected.
- 6.8 The impact on long distance views of the conservation area has been considered but these are limited to views from Drub Lane to the north east (see **Fig 15**). However, the chapel is screened by trees and the new housing would sit below a skyline already lined with modern housing, with no detriment to the chapel or conservation area.
- 6.9 The conservation area includes no more of Ferrand Lane than is necessary to protect the chapel site, and the proposed development site does not include any remains of historic industry or activity (other than agricultural) which add intelligibility and value to the area.

## **7.0 CONCLUSION**

The proposed development site is physically and visually remote from the majority of the conservation area, particularly due to the presence of the intervening ridge and modern housing, and even where the two areas come into close proximity the impact will be negligible. The conclusion of this analysis is therefore that development of the proposed site for housing will have no detrimental impact on the conservation area, or on any of the Listed buildings within the area.





Proposed housing site -indicative layout Fig 16