

Public Document Pack



**Service Director – Legal, Governance and
Commissioning**

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Wednesday 26 October 2022

Notice of Meeting

Dear Member

Strategic Planning Committee

The **Strategic Planning Committee** will meet in the **Council Chamber - Town Hall, Huddersfield** at **1.00 pm** on **Thursday 3 November 2022**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

(A coach will depart the Town Hall, at 9.30 a.m. to undertake site visits. The consideration of planning applications will commence at 1.00 pm in the Council Chamber.)

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read 'Julie Muscroft', on a light-colored background.

Julie Muscroft

Service Director – Legal, Governance and Commissioning

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

The Strategic Planning Committee members are:-

Member

Councillor Steve Hall (Chair)
Councillor Bill Armer
Councillor Paul Davies
Councillor Carole Pattison
Councillor Andrew Pinnock
Councillor Mohan Sokhal
Councillor Mark Thompson

When a Strategic Planning Committee member cannot be at the meeting another member can attend in their place from the list below:-

Substitutes Panel

Conservative

A Gregg
D Hall
V Lees-Hamilton
R Smith
J Taylor

Green

K Allison
S Lee-Richards

Independent

C Greaves
A Lukic

Labour

A Anwar
F Perry
M Kaushik
E Firth
T Hawkins

Liberal Democrat

A Munro
PA Davies
J Lawson
A Marchington

Agenda

Reports or Explanatory Notes Attached

Pages

1: Membership of the Committee

To receive any apologies for absence, or details of substitutions to Committee membership.

2: Minutes of the Previous Meeting

1 - 4

To approve the minutes of the meeting of the Committee held on 6th October 2022.

3: Declaration of Interests and Lobbying

5 - 6

Committee Members will advise (i) if there are any items on the agenda upon which they have been lobbied and/or (ii) if there are any items on the agenda in which they have a disclosable pecuniary interest, which would prevent them from participating in any discussion or vote on an item, or any other interests.

4: Admission of the Public

Most agenda items will be considered in public session, however, it shall be advised whether the Committee will consider any matters in private, by virtue of the reports containing information which falls within a category of exempt information as contained at Schedule 12A of the Local Government Act 1972.

5: Public Question Time

To receive any public questions in accordance with Council Procedure Rule 11.

6: Deputations/Petitions

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern.

A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

7: Planning Applications

7 - 8

The Planning Committee will consider the attached schedule of planning applications.

Please note that any members of the public who wish to speak at the meeting must register by no later than **5.00 p.m.** (for phone requests) or **11:59 p.m.** (for email requests) on **Monday 31st October 2022.**

To register, please email governance.planning@kirklees.gov.uk or phone **Sheila Dykes or Andrea Woodside** on 01484 221000 (Extension 73896).

Please note that, in accordance with the Council's public speaking protocols at planning committee meetings, verbal representations will be limited to three minutes.

An update, providing further information on applications on matters raised after the publication of the agenda, will be added to the web agenda prior to the meeting.

8: Site Visit - Application No. 2021/93689

Hybrid application for full planning permission for engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works; and for outline permission for erection of residential development and mixed use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management) and sustainable urban drainage works drainage principles -Land to the south of Ravensthorpe Road / Lees Hall Road, Dewsbury.

(Estimated time of arrival at site – 10.00 a.m.)

Contact: Victor Grayson, Planning Services

9: Site Visit - Application No. 2022/92355

Erection of enclosure of existing ménage - Bradshaw Road Stables, Bradshaw Road, Honley, Holmfirth.

(Estimated time of arrival on site: 11.30 a.m.)

Contact: William Simcock, Planning Services

10: Planning Application - Application No: 2021/93689

9 - 62

Hybrid application for full planning permission for engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works; and for outline permission for erection of residential development and mixed use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management) and sustainable urban drainage works drainage principles -Land to the south of Ravensthorpe Road / Lees Hall Road, Dewsbury.

Ward(s) affected: Dewsbury South

Contact : Victor Grayson, Planning Services

11: Planning Application - Application No: 2022/92355

63 - 74

Erection of enclosure of existing ménage - Bradshaw Road Stables, Bradshaw Road, Honley, Holmfirth.

Ward(s) affected: Holme Valley North

Contact: William Simcock, Planning Services

12: Planning Application - Application No: 2022/91849

75 - 92

Variation of Condition 21 (highways and occupation) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) - Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw.

Ward(s) affected: Cleckheaton

Contact: Nick Hirst, Planning Services

13: Planning Application - Application No: 2022/92308

93 - 106

Temporary siting of Dewsbury Market - Foundry Street/Market Place/Longcauseway/Town Hall Way, Dewsbury.

Ward(s) affected: Dewsbury East

Contact: Callum Harrison, Planning Services

Planning Update

The update report on applications under consideration will be added to the web agenda prior to the meeting.

Contact Officer: Richard Dunne

KIRKLEES COUNCIL

STRATEGIC PLANNING COMMITTEE

Thursday 6th October 2022

Present: Councillor Steve Hall (Chair)
Councillor Paul Davies
Councillor Carole Pattison
Councillor Mohan Sokhal
Councillor Bill Armer
Councillor Mark Thompson
Councillor Andrew Pinnock

1 Membership of the Committee

All Members of the Committee were in attendance.

2 Minutes of the Previous Meeting

The minutes of the meeting held on 8 September 2022 were approved as a correct record.

3 Declaration of Interests and Lobbying

Councillors Sokhal, Davies, Pattison, A Pinnock, Thompson, Armer and S Hall declared that they had been lobbied on application 2022/90505.

Councillor Armer declared an "other" interest in application 2022/90505 on the grounds that he had previously expressed concerns regarding a number of aspects of the scheme in his capacity as a ward councillor and felt that this could result in some people questioning his impartiality should he vote on the application.

It was noted that Councillor Armer did not participate in the Committee discussion on application 2022/90505 or vote and that he made a representation to the Committee in his capacity as a ward member.

4 Admission of the Public

All items on the agenda were taken in public session.

5 Public Question Time

No questions were asked.

6 Deputations/Petitions

No deputations or petitions were received.

7 Planning Applications

The Committee considered the following applications.

8 Site Visit - Application No: 2020/92331

Site visit undertaken.

Strategic Planning Committee - 6 October 2022

9 **Site Visit - Application No: 2020/92350**

Site visit undertaken.

10 **Planning Application - Application No: 2021/94120**

The Committee gave consideration to Planning Application 2021/94120 Change of use from haulage and distribution to a breakers yard Foxhill Owl Lane Birstall Batley.

Under the provisions of Council Procedure Rule 37 the Sub Committee received a representation from Andrew Barlow (on behalf of the applicant).

RESOLVED -

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within the considered report including:

1. Commencement of the development within 3 years
2. Development to be in accordance with the approved plans
3. Restriction on height and location of stored end of life vehicles
4. Restriction on noise from fixed plant and equipment
5. Hours of operation
6. Reporting of unexpected land contamination

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Armer, Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (7 votes).

Against: (0 votes).

11 **Planning Application - Application No: 2022/90505**

The Committee gave consideration to Planning Application 2022/90505 Change of use of agricultural land to Sui Generis for private dog walking with associated works Land adj, Moor Top Lane, Huddersfield.

Under the provisions of Council Procedure Rule 37 the Sub Committee received representations from Andy Rushby (agent) and Shauni Macken (applicant).

Under the provisions of Council Procedure Rule 36 (3) the Committee received a representation from Councillor Bill Armer (ward member).

RESOLVED –

Delegate approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within the considered report and the planning update including:

1. In accordance with the approved plans.

Strategic Planning Committee - 6 October 2022

2. Development to begin within 3 years.
3. Hours of operation between 07:00 until 21:00 (April to September inclusive) and 08:00 to 19:00 (October to March inclusive).
4. No artificial lighting to be installed.
5. Details of scheme to clear and maintain clearance of the visibility splay.
6. Replacement hedge to be planted where removed in conjunction with condition 5.
7. Access gate to be repositioned and parking spaces to be provided prior to the site being bought in to use.
8. Operated via a booking system, with a maximum of 2 bookings at any one time, and a restriction of a single vehicle per booking.
9. Report of unexpected contaminated land.

A Recorded Vote was taken in accordance with Council Procedure Rule 42 (5) as follows:

For: Councillors: Davies, S Hall, Pattison, A Pinnock, Sokhal and Thompson (6 votes)

Against: (0 votes)

12 **Position Statement - Application No: 2020/92331**

The Committee received a position statement in respect of Planning Application 2020/92331 Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a presentation from Stephen Evans, Christian Colbeck and Nolan Tucker (on behalf of the applicant).

The Committee noted the contents of the report and presentation and made comments on the proposals.

13 **Position Statement - Application No: 2020/92350**

The Committee received a position statement in respect of Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury.

Under the provisions of Council Procedure Rule 37, the Committee received a presentation from Stephen Evans, Christian Colbeck and Nolan Tucker (on behalf of the applicant).

The Committee noted the contents of the report and presentation and made comments on the proposals.

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KIRKLEES COUNCIL			
DECLARATION OF INTERESTS AND LOBBYING			
Strategic Planning Committee			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

LOBBYING

Date	Application/Page No.	Lobbied By (Name of person)	Applicant	Objector	Supporter	Action taken / Advice given

Signed: Dated:

NOTES

Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

(a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
(b) either -

- the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
- if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Lobbying

If you are approached by any Member of the public in respect of an application on the agenda you must declare that you have been lobbied. A declaration of lobbying does not affect your ability to participate in the consideration or determination of the application.

In respect of the consideration of all the planning applications on this Agenda the following information applies:

PLANNING POLICY

The statutory development plan is the starting point in the consideration of planning applications for the development or use of land unless material considerations indicate otherwise (Section 38(6) Planning and Compulsory Purchase Act 2004).

The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).

National Policy/ Guidelines

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

REPRESENTATIONS

Cabinet agreed the Development Management Charter in July 2015. This sets out how people and organisations will be enabled and encouraged to be involved in the development management process relating to planning applications.

The applications have been publicised by way of press notice, site notice and neighbour letters (as appropriate) in accordance with the Development Management Charter and in full accordance with the requirements of regulation, statute and national guidance.

EQUALITY ISSUES

The Council has a general duty under section 149 Equality Act 2010 to have due regard to eliminating conduct that is prohibited by the Act, advancing equality of opportunity and fostering good relations between people who share a protected characteristic and people who do not share that characteristic. The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- religion or belief;
- sex;
- sexual orientation.

In the event that a specific development proposal has particular equality implications, the report will detail how the duty to have “due regard” to them has been discharged.

HUMAN RIGHTS

The Council has had regard to the Human Rights Act 1998, and in particular:-

- Article 8 - Right to respect for private and family life.
- Article 1 of the First Protocol - Right to peaceful enjoyment of property and possessions.

The Council considers that the recommendations within the reports are in accordance with the law, proportionate and both necessary to protect the rights and freedoms of others and in the public interest.

PLANNING CONDITIONS AND OBLIGATIONS

Paragraph 55 of The National Planning Policy Framework (NPPF) requires that Local Planning Authorities consider whether otherwise unacceptable development could be made acceptable through the use of planning condition or obligations.

The Community Infrastructure Levy Regulations 2010 stipulates that planning obligations (also known as section 106 agreements – of the Town and Country Planning Act 1990) should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

The NPPF and further guidance in the PPGS launched on 6th March 2014 require that planning conditions should only be imposed where they meet a series of key tests; these are in summary:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;
6. reasonable in all other respects

Recommendations made with respect to the applications brought before the Planning sub-committee have been made in accordance with the above requirements.

Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Nov-2022

Subject: Planning Application 2021/93689 Hybrid application for full planning permission for engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works; and for outline permission for erection of residential development and mixed use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance/replacement/woodland management and ecological management) and sustainable urban drainage works drainage principles Land to the south of, Ravensthorpe Road / Lees Hall Road, Dewsbury

APPLICANT

Thomas Fish, Kirklees
Council

DATE VALID

30-Sep-2021

TARGET DATE

30-Dec-2021

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury South

Ward Councillors consulted: Yes (and Members for Mirfield also notified)

Public or private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report.

1.0 INTRODUCTION:

- 1.1 This is a hybrid application (part outline, part full) for a residential-led development at the “Central Gateway” part of the Dewsbury Riverside site.
- 1.2 This application is presented to the Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.3 The applicant is Kirklees Council (Housing Growth team).

2.0 SITE AND SURROUNDINGS:

- 2.1 The Central Gateway application site is located approximately 2km southwest of Dewsbury town centre, and comprises approximately a fifth of the wider allocated Dewsbury Riverside site (ref: HS61). It is 29.41 hectares in size, and covers land within the north and centre of the allocation. It also includes land outside the site allocation, namely 555 Lees Hall Road and highway land in and around the Forge Lane / Lees Hall Road junction, as well as land within the curtilage of Blackers Court and land surrounding a warehouse / employment unit north of the junction. Most of the application site is currently in agricultural use, however 555 Lees Hall Road is a mosque and childcare facility (Masjid Abu Bakr and Lees Hall Playgroup), and existing woodland (Lady Wood) occupies the westernmost part of the application site. Part of the application site (to the south of 555 Lees Hall Road and 1 to 19 Ravensthorpe Road) is in use as allotments, however these are in the process of being replaced by new allotments to the south of 59 to 83 Ravensthorpe Road, which are also within the red line boundary of the current application site. The application site generally slopes downhill from south to north, and includes the lowest part of the allocated site (approximately 45m AOD, close to 555 Lees Hall Road).

- 2.2 The northwesternmost part of the application site comes close to the railway embankment of the Huddersfield line, and to the footbridge that carries bridleway DEW/1a/10 over the railway lines. Further to the north are employment uses, Ravensthorpe railway station, Thornhill Power Station, the River Calder and the Calder and Hebble Navigation. The northern boundary of the application sites meets the rear gardens of residential properties at 1 to 139 Ravensthorpe Road, which are mostly semi-detached. Ravenshall School and its playing field are surrounded by (not included within) the application site red line boundary. To the east, the application site meets the curtilages of residential properties at Blackers Court and Ouzelwell Lane. To the west, south and east of the application site is land that is also within site allocation HS61. This land is mostly in agricultural use. Further to the south, beyond the site allocation, is land within the green belt.
- 2.3 Vehicular access into the application site is available from:
- Between 139 and 143 Ravensthorpe Road;
 - Between 79 and 83 Ravensthorpe Road;
 - The lane serving Ravenshall School;
 - Lees Hall Road; and
 - Ouzelwell Lane.
- 2.4 In addition, pedestrian access into and through the application site is available from several public rights of way (DEW/1/10, DEW/1a/10, DEW/2/10, DEW/3/10, DEW/6/50, DEW/94/10, MIR/77/20 and MIR/77/30), and claimed bridleways have been annotated across parts of the application site.
- 2.5 No trees within the application site are protected by Tree Preservation Orders. At the west end of the application site, Lady Wood forms part of the borough's Wildlife Habitat Network. Bats are known to be present in the area. All of the application site is within an Impact Risk Zone (IRZ) of a Site of Special Scientific Interest (SSSI), but is approximately 5km away from the edge of the Denby Grange Colliery Ponds SSSI. The majority of the application site is within a Biodiversity Opportunity Zone (Pennine Foothills for most of the site, Built-up Areas for a part of the site around the Forge Lane / Lees Hall Road junction). The western end of the application site forms part of the Strategic Green Infrastructure Network, land at the Forge Lane / Lees Hall Road junction is identified as a Small Open Space in the Local Plan, and Ravenshall School is identified as Urban Green Space.
- 2.6 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding. A short open watercourse exists within Lady Wood. A ditch, trash grille and culverted watercourse exist within the application site, behind existing dwellings on Ravensthorpe Road. From another watercourse at the southeast corner of the application site, a culvert runs almost directly northwards, beneath the lane between Ravenshall School and the existing allotments.
- 2.7 The application site is not located within an Air Quality Management Area (AQMA). The nearest AQMA within Kirklees is AQMA 2 – Scout Hill, where elevated PM10 levels have been measured.

- 2.8 In relation to minerals, the majority of the application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. A smaller part of the application site is safeguarded in relation to sand and gravel with sandstone and SCR. In relation to the area's coal mining legacy, parts of the application site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area.
- 2.9 Part of the application site includes part of a former landfill site, and 200m and 250m buffer zones extend across more of the application site. A buffer zone surrounding a former landfill site on the north side of Ravensthorpe Road covers part of the application site.
- 2.10 Overhead power lines cross the application site, and pylons are located within and close to the application site. A high pressure gas pipeline runs along part of the application site's southern boundary, and from this a spur branches off to the north, beneath the application site, to Thornhill Power Station.
- 2.11 Regarding the social and other infrastructure currently provided and available close to the application site, in addition to the above-mentioned school, mosque and playgroup, the surrounding area features an MOT centre / tyre shop, furnishing outlets and employment uses. Food establishments exist further to the east, along Lees Hall Road. The nearest centres designated in the Local Plan are Ravensthorpe District Centre and Thornhill Lees Local Centre. Regarding public transport, Ravensthorpe railway station is within walking distance of the application site. Forge Lane, Lees Hall Road and Ouzelwell Lane are served by the 230, 230A and AL4 bus routes. Parts of the existing Core Walking and Cycling Network run through and along the edges of the application site. Opportunities for leisure and recreation exist along the area's public rights of way and the banks of the River Calder and the Calder and Hebble Navigation.
- 2.12 The application site's red line boundary overlaps with that of current application ref: 2021/91759 and includes all the land to which approved application ref: 2021/90552 related.
- 2.13 The wider allocated site (HS61) has a gross site area of 161.37 hectares, and a net site area of 142.9 hectares (which excludes an area of UK BAP Priority Habitat). HS61 extends as far west as Sands Lane, and as far east as Ingham Road. Most of the wider allocated site is currently in agricultural use.

3.0 PROPOSAL:

- 3.1 The application is a hybrid (part outline, part full), relating to a residential-led development at the Central Gateway part of the Dewsbury Riverside site. The two elements of the application comprise:
- Outline (all matters reserved): erection of up to 350 dwellings and mixed-use development (including community facilities) with associated works including the provision of internal estate roads and parking, landscape works (including provision of public open space, tree clearance / replacement / woodland management and ecological management) and sustainable urban drainage works drainage principles.

- Full element: engineering works, drainage and utilities connection for the provision of site access from Forge Lane and Ravensthorpe Road and associated works.
- 3.2 A “primary vehicle access” is proposed at the Forge Lane / Lees Hall Road junction. Provision of this vehicular entrance (and the associated enlarged junction) would involve the demolition of 555 Lees Hall Road, and would require land within the curtilage of Blackers Court and land surrounding a warehouse/employment unit north of the junction. From this new entrance, a new spine road would extend southwestwards into the application site, as far as a new roundabout proposed close to the southern edge of the application site. From this internal roundabout, a spine road is indicatively shown running southeast-northwest through the application site, providing access to third party land within site allocation HS61, and to a new roundabout proposed by Network Rail (outside the application site) where Calder Road and Ravensthorpe Road (following new alignments) would meet. Another spine road is indicatively shown extending westwards from the new internal roundabout, again providing access to third party land within site allocation HS61. A fourth arm would extend to the application site’s southern boundary.
- 3.3 An existing vehicular access from Ravensthorpe Road to Ravenshall School would initially be retained, and would provide access to a southern section of the spine road (and the first phase (150 dwellings) of residential development) until the Forge Lane / Lees Hall Road junction is completed. Thereafter, the applicant intends to close the north end of this access to vehicular traffic, meaning vehicular access to the school and to the rear of some dwellings on Ravensthorpe Road would be via the new spine road.
- 3.4 The previously-approved vehicular access (between 79 and 83 Ravensthorpe Road) to the replacement allotments would not be amended, although an “active travel route” (to be defined at a later stage) is proposed alongside it.
- 3.5 The applicant has submitted parameter plans (amended on 17/10/2022) relating to:
- Scale (areas annotated “Predominantly 1-storey to 2-storey (with the occasional 2.5-storey)” and “Between 1-storey and 3-storey” are shown);
 - Green infrastructure (16.51 hectares are shaded and annotated as public open space, Lady Wood, retained landscape features, new road earthworks, new pedestrian and cycle routes, proposed planting, sustainable drainage systems, highway works, areas of ecology and ecological enhancement and high voltage pylon easement);
 - Land use and access (a 9.7 hectare developable area for residential use is shaded and annotated, a 0.96 hectare “residential or community use” developable area is shown close to the new site entrance, and the access proposals described above at paragraphs 3.2 and 3.3 are illustrated).
- 3.6 Other drawings submitted by the applicant set out indicative information. These include an indicative site layout plan, which suggest how development in the proposed developable areas might be laid out.

- 3.7 The applicant's green infrastructure parameter plan and Surface Water Drainage Strategy (rev P05) set out proposals to drainage the site (via on-site retention basins) to the River Calder via existing drainage infrastructure.
- 3.8 The applicant's indicative site layout plan indicates that existing public rights of way would be retained, and new footpaths, footways, cycle routes and bridleways would be created throughout the site. Diversions to claimed public rights of way may be necessary (if those routes are confirmed as public rights of way).

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/94117 – Residential development. Outline planning permission granted 12/04/2017. Proposed by Miller Homes at the east end of what is now allocated site HS61.
- 4.2 2016/94118 – Residential development. Outline planning permission granted 12/04/2017. Proposed by Miller Homes at land to the south of Ravensthorpe Road, within what is now allocated site HS61.
- 4.3 2019/91010 – Variation of conditions 5 and 21 (Indicative Layout and Construction) of previous outline permission 2016/94117 for residential development. Approved 22/01/2020.
- 4.4 2021/90552 – Full planning permission granted 11/06/2021 for formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates. Proposed by Kirklees Council at land south of Ravensthorpe Road and west of Ravenshall School, within allocated site HS61.
- 4.5 2021/91759 – Reserved matters application (layout, appearance, scale, landscaping) for erection of 120 dwellings pursuant to outline permission 2016/94118 for erection of residential development and discharge of Condition 6 (a) and (b) (Affordable Housing), Condition 7 (a) (Open Space layout), Condition 14 (Noise) and Condition 15 (Low Emission Vehicle Recharging Points). Proposed by Dewsbury Riverside Ltd. Pending determination.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 In June 2021 the applicant submitted a request for pre-application advice (ref: 2021/20386) in relation to a residential-led development at the Central Gateway part of the Dewsbury Riverside site (site allocation HS61). No drawings were submitted with the request, however the pre-applicant advised that the proposed development may include up to 500 dwellings, and Extra Care facility of up to 70 bedrooms, and public open space, drainage and landscaping works. No written pre-application advice was issued in response to the applicant's request.
- 5.2 Also in June 2021, the applicant submitted a request for an Environmental Impact Assessment (EIA) Scoping Opinion (ref: 2021/20482) in relation to a development comprising up to 500 dwellings, an Extra Care facility of up to 70 bedrooms, public open space, drainage, green infrastructure, allotments, a new junction at Forge Lane and a secondary access off Ravensthorpe Road.

- 5.3 In July 2021 the applicant submitted a request for an EIA Screening Opinion (ref: 2021/20657) in relation to a development comprising up to 350 dwellings, public open space, drainage, green infrastructure, allotments, a new junction at Forge Lane and a secondary access off Ravensthorpe Road.
- 5.4 In August 2021 the applicant submitted a request for an EIA Screening Opinion (ref: 2021/20823) in relation to a development comprising up to 350 dwellings, public open space, drainage, green infrastructure, allotments, a new junction at Forge Lane and a secondary access off Ravensthorpe Road.
- 5.5 The council held off responding to the EIA Scoping Opinion request and the first EIA Screening Opinion request as the proposals were still evolving at the time. A response to the most recent of the above requests (ref: 2021/20823) was provided on 18/08/2021. The council advised the applicant that, while the proposal for 350 homes and associated infrastructure would be a significant development, the associated environmental impacts likely to result from it would be of local significance only. The council therefore confirmed that the proposal would not constitute EIA development.
- 5.6 During the life of the current application, the applicant provided further and amended information, including in relation to:
- Highways and access (including revised highway layouts and junction designs, and removal of the western spine roads from the application's full element);
 - Drainage (sewer surveys and revised Surface Water Drainage Strategy); and
 - Biodiversity (bat survey, Ecological Impact Assessment and wintering bird survey).
- 5.7 Following the submission of revised highway layouts and junction designs on 17/10/2022, the council commenced a local reconsultation exercise on all of the further and amended information submitted to date.
- 5.8 Other amendments and further information submitted during the life of the application (including the detailed highway drawings submitted on 25/10/2022) did not necessitate local reconsultation.

6.0 PLANNING POLICY:

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27/02/2019).

Kirklees Local Plan (2019):

- 6.2 The application site forms part of a wider site allocated for residential development in the Local Plan (site allocation ref: HS61). The site allocation sets out an indicative housing capacity of 1,869 dwellings, with a further 2,131 dwellings to be delivered beyond the current Local Plan period. The site allocation identifies the following constraints relevant to the site:

- Major impact on a priority junction.

- Multiple access points required along with significant improvements to Sands Lane, the bridge over the railway line, Steanard Lane and its junction with A644 and the upgrade of bridge over River Calder.
- Third party land may be required for access.
- Additional mitigation on the wider highway network may be required.
- Public right of way crosses the site.
- Potentially contaminated land
- Noise source near site – noise from rail and road and various industrial sources
- Part of the site lies within a UK BAP priority habitat
- Proximity to a Local Wildlife Site
- Parts of the site are within the Wildlife Habitat Network
- Part of the site is an area of archaeological interest
- Mine entrances present
- Site is affected by high pressure gas pipelines
- Part/all of the site is within a High Risk Coal Referral Area

6.3 Site allocation HS61 also identifies the following site-specific considerations:

- Replacement allotment provision of equivalent or better quantity and quality will be required in a suitable location as part of the development.
- Landscape character assessment has been undertaken for this site which should be considered in the development masterplan.
- Site requires a drainage masterplan
- Early Years and Childcare provision will be required relating to this allocation.
- The provision of one new two form entry primary school will be required during the plan period with further two form entry capacity required beyond the plan period.
- The provision of secondary school places will be monitored and delivered to meet demand as new housing is delivered during and beyond the plan period. The masterplan will safeguard land for future secondary school provision beyond the plan period should the need arise.
- Early Years and Childcare provision will be required relating to this allocation.
- Recreational and biodiversity – new areas of public open space, green infrastructure and habitats required.
- The site will play a key role in helping transform Dewsbury and Ravensthorpe. Proposals should indicate how the place shaping strengths, opportunities and challenges can be addressed through reference to policies in the Local Plan, the Dewsbury Strategic Framework and other regeneration and urban renaissance strategies and initiatives.
- This site requires the provision of multiple access points and will need to be carefully phased to ensure it complies with other policies in the Local Plan regarding transport.
- Proposals for this site should also contribute towards:
 - Improved rail, road, pedestrian and cycle connections.
 - Improvements to Ravensthorpe Station and surrounding area.
 - Delivery of landscape and environmental enhancements.

- Services and infrastructure Mirfield Promenade Strategic Green Infrastructure proposals (SGI2110).
- Additional mitigation on the wider highway network will be required. Development of this site has the potential for a significant impact on the Strategic Road Network. Measures will be required to reduce and mitigate that impact. The transport assessment will need to demonstrate that any committed schemes are sufficient to deal with the additional demand generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes. If development is dependent upon construction of a committed scheme, then development will need to be phased to take place following scheme opening.
- In accordance with LP13 (part a, paragraph 4) the creation of a new local centre commensurate with the scale of growth proposed will be supported, subject to the sequential test and impact assessment.
- Proposals for this site will need to take account of TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone.
- The council will monitor the implementation of the early phases of delivery to manage the options and need for strategic highways intervention in advance of the 2000th dwelling.
- A landscape buffer along the southern boundary of the site is required.
- A masterplan is required for this site to be prepared in accordance with policies in the Local Plan.

6.4 Site allocation HS61 refers to a gross site area of 161.37 hectares, but identifies a net site area of 142.9 hectares (which excludes an area of UK BAP Priority Habitat).

6.5 Relevant Local Plan policies are:

- LP1 – Presumption in favour of sustainable development
- LP2 – Place shaping
- LP3 – Location of new development
- LP4 – Providing infrastructure
- LP5 – Masterplanning sites
- LP7 – Efficient and effective use of land and buildings
- LP9 – Supporting skilled and flexible communities and workforce
- LP11 – Housing mix and affordable housing
- LP19 – Strategic transport infrastructure
- LP20 – Sustainable travel
- LP21 – Highways and access
- LP22 – Parking
- LP23 – Core walking and cycling network
- LP24 – Design
- LP26 – Renewable and low carbon energy
- LP27 – Flood risk
- LP28 – Drainage
- LP30 – Biodiversity and geodiversity
- LP31 – Strategic Green Infrastructure Network
- LP32 – Landscape
- LP33 – Trees
- LP34 – Conserving and enhancing the water environment

LP35 – Historic environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP61 – Urban green space
LP63 – New open space
LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents:

- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees First Homes Position Statement (2021)
- Viability Guidance Note (2020)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Highway Design Guide SPD (2019)
- Public Rights of Way Improvement Plan (2010)
- Waste Management Design Guide for New Developments (2020, updated 2021)
- Green Street Principles (2017)
- Open Space SPD (2021)
- Planning Applications Climate Change Guidance (2021)
- Housebuilders Design Guide SPD (2021)
- Biodiversity Net Gain Technical Advice Note (2021)

6.7 On 20/09/2022 the council commenced consultation on a draft Affordable Housing and Housing Mix SPD.

Climate change

6.8 The council approved Climate Emergency measures at its meeting of full Council on 16/01/2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.9 On 12/11/2019 the council adopted a target for achieving “net zero” carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda. In June 2021 the council approved a Planning Applications Climate Change Guidance document.

National Planning Policy and Guidance:

6.10 The National Planning Policy Framework (2021) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of materials

6.11 Since March 2014 Planning Practice Guidance for England has been published online.

6.12 Relevant national guidance and documents:

- National Design Guide (2019)
- National Model Design Code (2021)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)
- Securing developer contributions for education (2019)
- Biodiversity Metric 3.0 (2021)

6.13 The Environment Act 2021 passed into UK law on 09/11/2021.

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application has been advertised as a major development affecting public rights of way. Five site notices were posted on 14/10/2021, a press notice was published on 28/10/2021, and notification letters were sent to neighbouring properties. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 18/11/2021.

7.2 970 representations were received in response to the council's consultation. 960 of these representations came in the form of a standard letter, individually signed. The main points of that letter are summarised as follows:

- Severe highway impact. Impacts over many years.
- Surrounding streets are already congested and parked up.
- No information as to where contractors would park. Risk of parking pressure causing problems for existing residents.
- Risks to safety of children due to construction access passing Ravenshall School. Parents would also be affected. Alternative access route should be proposed.
- Noise, dust and pollution would be harmful to vulnerable pupils at Ravenshall School.
- Access from where 555 Lees Hall Road currently stands should be used, as this would reduce impacts.
- Impacts on local residents, passers-by and commuters.
- Council's targets have been given greater priority than impacts on local facilities, children and communities.
- Council has not engaged with the mosque regarding replacement facilities. Mosque and playgroup were content with an earlier proposal made by Miller Homes, which the council has taken off the table without good explanation or an acceptable alternative.
- Inadequate consultation carried out by the council.

7.3 The main points made in the other 10 individual representations are summarised as follows:

- Loss of a valuable community asset (the mosque and playgroup).
- Proposals detailing a viable replacement community facility should have been discussed prior to submitting this application and not be the subject of a reserved matters application.
- Concerns regarding temporary site access adjacent to Ravenshall School. Danger to pupils. Health and safety risk. Air pollution and dust would affect pupils. Mud will be left on the road. Temporary access could be provided further to the east. Alternative access to the west has already been approved.
- Site is collapsing due to its mining legacy.
- Increased flood risk.
- Site does not absorb water. Lowest parts of the site and Ravenshall School playing field already become waterlogged.
- Proposed attenuation will cause problems for residents when full.
- No water-retaining trees or bushes are proposed around the attenuation.
- Climate change will worsen existing flooding problems.
- Proposals would prejudice the ability to implement other permissions.

- Proposals are inconsistent with endorsed masterplan.
- Proposed site access and phasing is unworkable.

7.4 Councillor Bolt (Member for Mirfield ward) commented on the application as follows:

- Lees Hall Road is a slalom and stand-offs occur at peak periods. Kirklees should follow other authorities and good practice, and provide infrastructure before development.
- Network Rail are failing to build a bridge and junction over the rail line to provide access to the site.
- Queried what community use buildings are proposed.
- Basic masterplanning and common sense suggests the development should be front loaded with the schools etc eventually planned, so the school team can mesh together and establish a reputation and record to attract pupils, and save the further problems of those pupils being shuttled into Mirfield because there are no schools of a high standard or parental preference in the immediate area.

7.5 Mirfield Town Council were consulted on the application. No comments were received.

7.6 In light of the amendments made to the proposals during the life of the current application, a second round of public consultation was carried out by the council. Letters were delivered to addresses close to the application site, and parties who had previously commented on the application were emailed. This was in line with the council's adopted Statement of Community Involvement. The end date for publicity was 25/10/2022. Although shorter than the 21-day consultation periods normally allowed when applications are received, given the development description hadn't changed, given the nature of the proposed development hadn't fundamentally changed, and given residents have previously had an opportunity to comment, the 7-day reconsultation period was considered appropriate.

7.7 A further representation was received in response to the council's reconsultation. The following is a summary of the additional comments made:

- No construction should take place until new permanent junction and access road are completed and operational.
- Proposed interim access past the school would create a health and safety issue, and congestion.
- Construction traffic should not pass along Lees Hall Road, due to bottleneck caused by parked cars.

7.8 Any further representations received after 25/10/2022 and before the committee meeting of 03/11/2022 will be reported in the committee update or verbally.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 KC Highways Development Management – To comment on forthcoming revised Transport Assessment.

- 8.3 KC Lead Local Flood Authority – To comment on revised Surface Water Drainage Strategy (rev P05).
- 8.4 Canal and River Trust – No comment.
- 8.5 The Coal Authority – No objection, subject to conditions. Site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. Proposed engineering works / formation of a new spine road are not within influencing distance of the recorded mine entries, therefore these mining features are unlikely to impact the road layout which is being considered as part of the application's full element. Further commentary required regarding risks to public safety in Lady Wood. Prior mineral extraction may be economically viable, however there are likely to be other factors (proximity of existing housing) which may result in extraction not being possible. Mine gas risks should be assessed. Potential interaction between hydrology, the proposed drainage system and ground stability should be assessed. Conditions recommended regarding site investigation and remediation.
- 8.6 Environment Agency – No objection, subject to condition. Biodiversity net gain assessment hasn't included river habitat units. Assessment should be updated and development should deliver measurable net gain for river habitats. Condition recommended, requiring a Landscape and Ecological Management Plan (LEMP) / Landscape and Habitat Management Plan (LHMP) and a Construction Environment Management Plan (CEMP). Environment Agency wish to be consulted on the discharge of the condition. Informatives suggested regarding groundwater and contaminated land, and surface water.
- 8.7 National Highways (formerly Highways England) – No objection. Condition recommended regarding construction traffic management. Proposals are located 5 miles east of M62 Junction 25 and 5.5 miles west of M1 Junction 40. Strategic Road Network (SRN) is not included within the study area for assessment within the applicant's Transport Assessment – this is accepted given the quantum of the Phase 1 proposals and the distance of the site from the SRN. However, the entire development quantum of the site allocation has the potential to impact at the SRN, and this would need to be included within assessment of future phases coming forward at this location to enable National Highways to take a view on the development proposals. Travel Plan is fit for purpose, although this will be a matter for the local authority to decide upon.
- 8.8 Natural England – No comment. Generic advice provided regarding landscape, best and most versatile agricultural land and soils, protected species, local sites, priority habitats and species, ancient woodland, ancient and veteran trees, environmental gains, access and recreation, rights of way, access land, coastal access, National Trails and biodiversity.
- 8.9 Network Rail – Proposed rail improvements would benefit application site. Ravensthorpe railway station would be relocated closer to the application site and upgraded, with improved reliability and accessibility, and public open space. Careful phasing and co-ordination of proposed residential-led development would be prudent, to take into account Network Rail's proposed construction works, alterations to Ravensthorpe Road and new Calder Road bridge. Construction management condition advisable.

8.10 Non-statutory:

- 8.11 KC Ecology – To comment on revised submissions.
- 8.12 KC Education – £1,155,551 contribution required, based on an assumed based on 300x 2-bedroom units.
- 8.13 KC Environmental Health – Approach and general methodology of applicant's air quality report is accepted. Condition recommended requiring the detailed proposals for low emission mitigation measures to the value of the cost damages. Electric vehicle charging condition recommended. Contaminated land does not appear to significantly limit the ability to develop the site. Applicant's Phase 1 report (ref: 3901/1A) is accepted, as are the findings to date presented in the Phase 2 report (ref: 3901/2A). Remediation strategy can't be accepted until site assessment is completed. Conditions recommended regarding intrusive investigation, remediation and validation. Noise assessment accepted, although further assessment may be necessary in relation to the development's operational phase. Condition recommended regarding noise. Condition recommended regarding odour, due to site's proximity to farms. Construction Environmental Management Plan condition recommended.
- 8.14 KC Highway Structures – Conditions recommended regarding structures within and/or adjacent to the highway. All new storm water attenuation tanks / pipes / culverts with internal diameter / spans exceeding 0.9m must be located off the adoptable highway.
- 8.15 KC Public Health – Further detail should be provided at reserved matters stage in relation to each of the public health improvement impacts areas included in the submitted Health Impact Assessment. Detailed comments provided regarding construction phase, housing mix, energy efficiency, accidents, fire safety, walking and cycling, access to open and green space, access to healthy food, community safety and community cohesion.
- 8.16 KC Strategic Housing – 38x social/affordable rent and 32x intermediate dwellings would be suitable for this development. There is significant need for affordable 3-bedroom (and larger) homes in Dewsbury and Mirfield. A development of this scale is expected to meet a range of housing needs, including those of individuals, small families and larger families. A mix that includes 2-, 3- and 4-bedroom dwellings would be suitable. Affordable homes should be distributed evenly throughout the development and not in one cluster. They must also be indistinguishable from market housing in terms of both quality and design.
- 8.17 KC Strategic Waste – Three landfill sites exist within 250m of application site.
- 8.18 KC Trees – Arboricultural Impact Assessment and Method required. Loss of two mature, significant Oak trees (T6 and T10 in the submitted tree survey) should be avoided. Construction-phase impacts on trees need to be addressed. Street trees welcomed – these should be provided when the roads are constructed. Can't be confirmed that the proposed development complies with Local Plan policies LP24 and LP33.

- 8.19 West Yorkshire Combined Authority (WYCA Metro) – Recommend securing Sustainable Travel Fund contribution (£179,025) and public transport improvement contribution (£186,250).
- 8.20 West Yorkshire Police Designing Out Crime Officer – Support principle of application. Shared access should not be provided to rear of dwellings. Detailed advice provided regarding boundary treatments, rear gardens, locked gates, open spaces, landscaping, external lighting, dwelling security measures, parking, CCTV and Secured by Design.
- 8.21 Yorkshire Water – Surface Water Drainage Strategy (rev P05) is acceptable. Discharge to public sewer (at specified rates) is acceptable. Conditions recommended regarding separate systems of foul and surface water drainage, compliance with submitted drainage strategy, and details of foul water disposal.
- 8.22 Yorkshire Wildlife Trust – Welcome biodiversity enhancements which would complement the Lower Calder Valley Living Landscape wildlife corridor. Welcome on-site biodiversity net gain, although full metric calculation should be submitted. Query if there is an overall green infrastructure and biodiversity enhancement strategy to ensure a cohesive approach. 10% biodiversity net gain will be required at each phase. Query if impacts on ground nesting birds (skylarks) have been assessed. Internal bat surveys of 555 Lees Hall Road required. Query if lost survey data will be addressed. Wintering bird assessment required. Green infrastructure should be multifunctional and accessible. Lighting should be designed to avoid impacts upon adjacent woodland.

9.0 MAIN ISSUES

- Principle of development and land uses
- Sustainability and climate change
- Masterplanning
- Urban design
- Landscape impacts
- Quantum and density
- Housing types, mix, sizes and tenures
- Residential amenity and quality
- Open space, trees, biodiversity and landscaping
- Highway and transportation issues
- Flood risk and drainage issues
- Environment and public health
- Coal mining legacy
- Representations
- Planning obligations
- Conditions
- Other planning matters

10.0 APPRAISAL

Principle of development and land uses

- 10.1 Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions.

- 10.2 As noted earlier in this report, the majority of the application site is in agricultural use, however parts of the site are occupied by allotments and woodland, and 555 Lees Hall Road is a mosque and childcare facility (Masjid Abu Bakr and Lees Hall Playgroup). Highway land around the Forge Lane / Lees Hall Road junction, land within the curtilage of Blackers Court, and surrounding a warehouse / employment unit north of the junction is also within the application site.

Proposed residential use

- 10.3 Chapter 5 of the NPPF notes the Government's objective of significantly boosting the supply of homes. Applications for residential development should be considered in the context of the presumption in favour of sustainable development.
- 10.4 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.5 With regard to the five-year housing land supply position in Kirklees, the most recently-updated information confirms that the council is currently able to demonstrate 5.17 years of deliverable housing land supply, and therefore Kirklees continues to operate under a plan-led system.
- 10.6 A residential development of 350 dwellings (indicative) at a site allocated for residential development would make a significant contribution towards the supply of housing in Kirklees and meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application.
- 10.7 Full weight can be given to site allocation HS61, which allocates the application site for residential development and allows for a major urban extension to Dewsbury. Allocation of this and other greenfield sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector concluded that there were no fundamental constraints that would prevent development coming forward at the site, there were exceptional circumstances to justify the release of the site from the green belt, and the site allocation was soundly based.
- 10.8 Prior to the adoption of the Local Plan (and site allocation HS61), a large part of the application site had been previously allocated for residential development in the council's Unitary Development Plan (1999).
- 10.9 Regard should be had to the proposed development's enabling role. Ownership of the allocated site HS61 is fractured, with various parcels owned by Kirklees Council, the Savile Estate, the Diocese of Leeds and other private owners. To date, no single planning application covering all parts of the site allocation has been submitted, and instead there have been a small number

of applications relating only to parts of the allocated site. Those piecemeal proposals could have been better co-ordinated, and could have done more in terms of unlocking other parts of the allocated site. Although the current hybrid application also relates only to part of the allocated site HS61, it has been submitted by one of HS61's major landowners (Kirklees Council) partly with the intention of enabling development beyond its red line boundary. It includes proposals for more infrastructure works than would normally be required for a development of up to 350 dwellings. If approved, it is expected to act as a catalyst for further residential development of the allocated site HS61. These aspects of the proposed development are welcomed, and attract positive weight in the balance of planning considerations. The current hybrid application represents a significant step in the delivery of the Local Plan and meeting known housing need.

Replacement allotments

- 10.10 Part of the application site (to the south of 555 Lees Hall Road and 1 to 19 Ravensthorpe Road) is in use as allotments, however the loss of these allotments has already been considered and approved under application ref: 2021/90552, and this matter need not be revisited under the current hybrid application. The existing allotments are in the process of being replaced by new and additional allotments to the south of 59 to 83 Ravensthorpe Road, in accordance with permission ref: 2021/90552. The red line site boundary for the current hybrid application includes all the land to which approved application ref: 2021/90552 related, however no changes are proposed to what was approved under that earlier application.
- 10.11 Re-provision of the allotments is well progressed, and the new allotment site was formally handed over to the council on 05/10/2022. There remains work to be done at the new allotment site (mainly relating to planting, and the provision of bases, sheds and greenhouses), however. The transition of allotment holders to the new allotments has not yet commenced, and a date for the closure of the existing allotment site has not yet been confirmed, although this is likely to be in the new year.
- 10.12 Of note, the number of replacement allotments is to be greater than those to be lost at the existing allotment site.

Existing mosque and childcare facility, and replacement community uses

- 10.13 555 Lees Hall Road is a mosque and childcare facility (Masjid Abu Bakr and Lees Hall Playgroup). It would be demolished to enable the provision of a redesigned and enlarged Forge Lane / Lees Hall Road junction, and this aspect of the proposal has attracted significant local objection.
- 10.14 Paragraph 93 of the NPPF states that, to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should – inter alia – plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; and ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

10.15 Policy LP48 of the Local Plan states that proposals which involve the loss of valued community facilities will only be permitted where it can be demonstrated that an alternative facility of equivalent or better standard will be provided, either on-site or equally accessible (which is taken to mean “in an equally accessible location” and designed to be equally or more accessible).

10.16 Paragraph 3.5 of the submitted Planning Statement states:

The proposed development includes an area designated for mixed use development which is capable of providing a replacement community facility to compensate for the loss of the community facilities at the Mosque and Playgroup building (including with enhanced access provision) ensuring that there will be no net loss of community facilities at the Site. Any detailed provision of a replacement community facility will be the subject of a reserved matters application. The potential of the Site to provide a replacement community facility to be operated by the trustees of the Masjid Abubakr Mosque and Lees Hall Playgroup is the subject of ongoing dialogue with those Trustees.

10.17 Although the applicant’s proposed provision “capable of providing a replacement community facility” is noted, in order to achieve compliance with policy LP48 there needs to be certainty that the existing community facilities *will* be reprovided. This certainty can be achieved via the recommended condition, which would prevent works commencing until details of the replacement mosque and playgroup have been approved under a reserved matters application, and would require the replacement facilities to be completed and ready for use before demolition commences and before more than 150 dwellings are occupied.

10.18 The disruption that the proposed demolition (of 555 Lees Hall Road) would cause to the existing community and user group is of concern. It is accepted, however, that demolition is necessary if this key entrance to the Dewsbury Riverside site is to be created, and some disruption would be unavoidable. That said, provisions in the above-mentioned recommended condition would ensure that disruption is minimised by, for example, ensuring the replacement facilities are made available at the right time, so that the existing community and user group would at all times have facilities to use, and so that transition to the new facilities can be as seamless as possible.

10.19 The applicant’s proposals for interim access (as set out at paragraph 3.3 above) allow for the existing mosque and playgroup to be retained and operational while work elsewhere within the site (including works to provide replacement facilities) proceed.

10.20 Given accessibility, continuity, placemaking and legibility considerations, the proposed location of the replacement facilities (indicatively shown close to the enlarged Forge Lane / Lees Hall Road junction, at what it to be a key nodal point and site entrance) is considered acceptable.

- 10.21 Finally, it is noted that – while details of the replacement facilities have not been provided at this stage – there is potential for them to improve on what currently exists at 555 Lees Hall Road. The replacement facilities would be purpose-built, would need to comply with current accessibility and energy efficiency requirements under the Building Regulations, and could include improved parking provision.
- 10.22 Reference has been made in representations to an earlier offer of a replacement facility made by Miller Homes. However, that offer was not made by the council (either as applicant or local planning authority), and is not a material consideration relevant to the current hybrid application.

Loss of agricultural use

- 10.23 The Agricultural Land Classification (ALC) system was established by the Government in the 1960s. It provides a method for assessing the quality of farmland to enable informed choices to be made about its future use within the planning system. The latest guidance from the Government regarding ALC states that the principal physical factors influencing agricultural production are climate, site and soil. These factors, together with the interactions between them, form the basis for classifying land into one of five ALC grades (grade 1 land being of excellent quality and grade 5 land of very poor quality). Grade 3, which constitutes about half of the agricultural land in England and Wales, is divided into two subgrades designated 3a and 3b. The NPPF and paragraph 001 (ref: 8-001-20190721) of the Natural Environment chapter of the Government’s online Planning Practice Guidance define “best and most versatile agricultural land” as land in grades 1, 2 and 3a of the ALC. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land. Paragraph 175 states that, with regard to plan making, where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.
- 10.24 The Local Plan reflects Government guidance regarding agricultural land, and notes at page 34 (Strategy and Policies document) that the borough’s Spatial Development Strategy will promote development that helps to reduce, adapt and mitigate climate change by – inter alia – avoiding the best and most versatile agricultural land where possible. The Local Plan does not, however, state that no agricultural land can be developed for residential use, and neither the Local Plan nor the council’s current application validation requirements stipulate that an ALC assessment needs to be submitted with applications for developments at allocated sites that would involve the loss of agricultural land.
- 10.25 During the preparation of the Local Plan, a high-level assessment of the quality of agricultural land was carried out. The relevant Sustainability Appraisal Report noted that the proposed site allocation H2089 (which is now adopted site allocation HS61) would have a significant negative effect in relation to objective 11 (securing the efficient and prudent use of land), and stated:

Where development takes place on greenfield land or areas of high quality agricultural land it is a less efficient use of land than development

on brownfield sites or sites of lower quality agricultural land. This is a relatively large site (156.02ha) on mainly greenfield land (although there are a small number of existing buildings within the site boundary), the majority of which is classified as Grade 3 Agricultural Land; therefore a significant negative effect is expected on this SA objective.

- 10.26 However, the same report also identified potential significant positive effects of residential development at the site. Having regard to a range of sustainability advantages and disadvantages (of allocating the land for residential development), the council concluded that the site was suitable for allocation.
- 10.27 The relevant Sustainability Appraisal Report stated that the negative effects (of development) would need to be considered further in terms of mitigation and/or enhancement, and that this may be achieved through Local Plan policies. However, in her report of 30/01/2019 the Local Plan Inspector did not refer to the loss of the site's agricultural use, and did not require further consideration of this matter (the Inspector did not require confirmation as to whether any part of the proposed allocation was grade 3a land). Similarly, the subsequently-adopted site allocation HS61 requires no further consideration of this matter, and does not identify the quality of the site's agricultural land as a constraint.
- 10.28 Given known housing need, given the previous Unitary Development Plan allocation, and given the range of sustainability advantages and disadvantages (of allocating the land for residential development) that were identified during the preparation of the Local Plan, with sufficient justification the council may still have allocated site HS61 for residential development even if it had been known that part of the site was grade 3a land.
- 10.29 Although there is no Local Plan policy requirement to provide ALC information at application stage, paragraph 1.10 of the applicant's Health Impact Assessment reported:

The Site is classified as Grade 3 agricultural land by the Provisional Agricultural Land Classification (ALC) post-1988 ALC surveys, where grade one is Best and Most Versatile (BMV) Agricultural Land and grade 5 is poorest quality. Grade 3 agricultural land may be considered BMV land depending whether it is classified as Grade 3a or Grade 3b. The provisional ALC does not specify this. The agricultural land to the west and south of the Site is classified as Grade 3 and Grade 4 agricultural land, respectively by the Provisional ALC.

- 10.30 In their comments relating to the current hybrid application, Natural England included generic advice regarding ALC, advising that local planning authorities are responsible for ensuring that they have sufficient detailed ALC information to apply NPPF policies (paragraphs 174 and 175). Natural England maintain a publicly-accessible online resource where the ALC grade of land can be ascertained. This resource confirms that the application site is grade 3 land, but does not clarify if this is grade 3a or 3b. DEFRA's online "Magic" mapping resource does not include ALC information for the application site.

- 10.31 Given the limitations of Natural England's information, and given that no ALC assessment has been submitted by the applicant (as no such assessment is required by policy), it cannot be confirmed that no grade 3a land exists at the application site, and it therefore cannot be confirmed that no "best and most versatile agricultural land" would be lost.
- 10.32 However, given known housing and affordable housing need (having regard to Local Plan delivery targets), acceptance of the loss of agricultural land at the application site would still have been recommended even if it was known that grade 3a land existed at the application site.
- 10.33 Although in many locations land could be improved (and practices that cause soil degradation could be ceased), and/or land could be used more efficiently, agricultural land is a finite resource. The proposed development would unavoidably involve a loss of agricultural land. This loss would be permanent, as the agricultural use of the land would not be retrievable. This can raise concerns regarding sustainability, however it is noted that definitions of sustainable development do not explicitly rule out the use of a part (and do not require the preservation of all) of any finite resources. The NPPF and the Local Plan (including policy LP1 – presumption in favour of sustainable development) similarly do not state that no part of any finite resources can be used. Of course, the using up of *all* of a finite resource would fail to comply with these definitions and policies (as this would clearly compromise the ability of future generations to meet their needs), however this is not what is proposed under the current hybrid application.
- 10.34 Concerns regarding sustainability and the UK's food security have understandably heightened interest in ALC and losses of agricultural land, however given current planning policy, and given the council's allocation of site HS61 for residential development (which, by its very nature, prevents the continued use of the application site for agriculture), this matter need not be considered further at application stage.

Mineral safeguarding

- 10.35 The majority of the application site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. A smaller part of the application site is safeguarded in relation to sand and gravel with sandstone and SCR. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing and affordable housing need, having regard to Local Plan delivery targets) for it.
- 10.36 Section 5.10 of the applicant's Geoenvironmental Appraisal additionally explores the possibility of coal extraction from the application site, but concludes that this is unlikely to be viable, given physical site constraints.

Summary regarding principle of development and land uses

- 10.37 Given the above assessment, it is considered that the proposed development for residential use of the site, with related non-residential uses, is acceptable in principle.

Sustainability and climate change

10.38 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.

10.39 Of note regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector stated (paragraph 218):

The site is in a sustainable location on the edge of the urban area, and close to Ravensthorpe railway station. Enhancement of the railway station and bus, walking and cycling links are proposed as part of the scheme. The provision of a new local centre, primary school provision and early years / child care provision would help to reduce the need to travel and meet the needs of new residents.

10.40 It remains the case that the application site is a sustainable location for residential development, as it is relatively accessible (the site's location very close to Ravensthorpe railway station is of particular note) and is on the edge of an existing, established settlement that is served by public transport and other (albeit limited) facilities. The surrounding area has a school, food establishments, an MOT centre / tyre shop, furnishing outlets, employment uses, and leisure and recreation opportunities along the area's public rights of way and the banks of the River Calder and the Calder and Hebble Navigation. The nearest centres designated in the Local Plan are Ravensthorpe District Centre (approximately 650m away from the edge of the application site) and Thornhill Lees Local Centre (approximately 700m away, as the crow flies). This existing provision means that at least some of the daily needs of residents of the proposed development can be met within the area surrounding the application site, and combined trips can be made, which further indicates that residential development at this site can be regarded as sustainable.

10.41 The applicant's Climate Change Statement refers to national and local policy and guidance, and sets out how the proposed development responds in relation to eight topics (energy, embodied carbon and waste, renewable and low carbon energy, building design and layout, flooding, water usage, landscape and biodiversity, and air pollution). The report emphasises that the application site is a sustainable location for residential development, that a biodiversity net gain (exceeding 10%) would be achieved, and that measures including sustainable drainage systems, encouraging active travel, and heat pumps would or could be implemented.

10.42 The application must demonstrate that the proposed development delivers net gains in respect of all three sustainable development objectives (economic, social and environmental). Assessment in relation to these three objectives would continue into reserved matters and conditions stages, if outline permission is granted (indeed, much of the relevant information would be proposed and secured at those later stages), however at the current hybrid application stage the following can be noted:

Economic sustainability

- 10.43 Economic sustainability can concern employment and training opportunities during the construction phase. The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers will contact the applicant to discuss provision of a training and/or apprenticeship programme to improve skills and education. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.
- 10.44 Post-construction employment opportunities are relevant to the consideration of the proposed development's economic sustainability. The proposed location of new homes relatively close to existing local employment opportunities could help minimise journey-to-work times. Residents of the development would also have access (via Ravensthorpe railway station) to employment opportunities further afield.

Social sustainability

- 10.45 For residential developments, a significant element of social sustainability concerns the creation of places that people will want to live in and remain living in, and that are convivial and create opportunities for interaction and community building. Places offering low standards of residential amenity and quality are often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. Design, residential amenity and quality, open space, community facilities and other relevant matters would be subject to further consideration at reserved matters stage, if outline permission is granted
- 10.46 The inclusion of a space for community facilities (including the reprovision of the existing mosque and playgroup at 555 Lees Hall Road) would help ensure the proposed development would address social sustainability objectives by meeting at least some of the development's social infrastructure needs on-site. Other needs can be met through good integration with (and connections to) the surrounding neighbourhood, and planning obligations.

Environmental sustainability

- 10.47 The proposed development would involve the use of a relatively large area of previously-undeveloped (greenfield) land. However, measures have been proposed, or would be secured, to ensure environmental objectives are met. A biodiversity net gain is proposed. Extensive green and blue infrastructure is required to support the proposed development. The application site offers opportunities to include significant, beneficial passive and active measures, such as solar gain, measures to facilitate and encourage the use of sustainable modes of transport, and decentralised energy.
- 10.48 Renewable and low carbon energy proposals are encouraged by Local Plan policy LP26. Given the range of uses surrounding and proposed at the allocated site, there may be scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of an energy centre and pipework beneath footways) should be made, although it now must be noted that the higher Part L standards applicable since 15/06/2022 will reduce the potential energy savings that could have been

achieved through district heating. The applicant's Climate Change Statement recommended that the potential for developing a heat network be explored, and it is expected that further information regarding this matter would be submitted at reserved matters stage (if outline planning permission is granted).

- 10.49 For a development at this site, of the scale proposed, transport is among the key considerations of relevance to sustainability assessment. Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this site that was entirely reliant on the use of the private vehicle is unlikely to be considered sustainable. Further consideration of these matters is set out elsewhere in this report, however it is noted that the following is proposed and/or would be secured:
- Separation of pedestrians and cyclists from other road users at the proposed Forge Lane / Lees Hall Road junction.
 - Separate cycle lanes and footways along the proposed spine road.
 - Other routes (shown indicatively in the outline element) for pedestrians and cyclists throughout the proposed development;
 - Provision for future routing of bus services along the spine road;
 - Implementation and monitoring of a travel plan;
 - A Sustainable Travel Fund contribution of £179,025; and
 - A public transport improvement contribution.
- 10.50 In addition, detailed and tailored travel planning, and details of cycle storage and electric vehicle charging, would follow at reserved matters stage, if outline permission is granted.
- 10.51 Drainage and flood risk minimisation measures would need to account for climate change.
- 10.52 In light of the assessment set out above, it is considered that the proposal can be regarded as sustainable development, however further assessment of matters relevant to sustainability and climate change would be carried out at reserved matters stage (if outline permission is granted).
- 10.53 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Masterplanning

- 10.54 Due to the size of the Central Gateway site (and of site HS61), the scale of the proposed development, the wide range of relevant planning considerations, the need for significant supporting infrastructure, the fragmented ownership of HS61 and the requirements of site allocation HS61 and Local Plan policy LP5, a masterplanning approach is necessary. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.

- 10.55 Constraints and considerations relevant to masterplanning at this site include topography (and its implications for cut and fill), movement, the site's mining legacy, contamination, trees, biodiversity, drainage, the existing and relocated allotments, the existing mosque and playgroup, high pressure gas pipelines, noise, the character of the site's context, landscape and visibility impacts, and the proximity and proposed upgrade of Ravensthorpe railway station.
- 10.56 The preference would have been for all landowners (and their developer partners) to collaborate on a single, masterplanned HS61-wide scheme that ensured co-ordinated, complimentary development was brought forward, with no single development prejudicing another. It is accepted, however, that the various landowners and their developer partners are at various stages of bringing forward schemes at their sites. This isn't an unusual scenario, and it is one the council (as local planning authority) has had to deal with at other sites. It is also noted that, with the current hybrid application, the council (as applicant) has taken the initiative, and has proposed a development that is intended to unlock the HS61 site and serve as a catalyst for further collaborative work and applications. With this in mind, and given housing delivery targets and the nature and format of the current hybrid application, a degree of flexibility can be allowed, and such an application (that relates to approximately a fifth of the allocate site) can be considered.

Endorsed masterplan

- 10.57 On 19/03/2019 the council's Cabinet endorsed a masterplan for the Dewsbury Riverside site. The relevant document, titled "Dewsbury Riverside Masterplan Framework" was prepared by Spawforths for Miller Homes and evolved through a series of collaborative workshops with officers, assisted in the early stages by the Homes England ATLAS team. Public consultation also informed the masterplan.
- 10.58 More recently, the council's Housing Growth team have carried out further work with consultants and Homes England with the intention of bringing forward development across the Dewsbury Riverside site. Discussions with the various landowners are ongoing.

Response to / compatibility with endorsed masterplan

- 10.59 The proposals set out in the current hybrid application respond well to the endorsed masterplan, and reflect its main components by including the key Central Gateway entrance (and the spine road extending into the site from it), the westwards connection to the new roundabout proposed by Network Rail, the allowance for green corridors through the site, and the proposed location of the residential developable area.
- 10.60 Some appropriate deviation from the masterplan's indicative layout is proposed, to allow for the replacement allotments (approved under permission ref: 2021/90552), and to assist with placemaking. A long view into the site from Calder Road would be celebrated by the indicative layout now proposed, clearer acknowledgement of the alignment of the site's high pressure gas pipelines is evident, and as noted earlier in this report the proposed location of the replacement community facilities is considered appropriate given accessibility, continuity, placemaking and legibility considerations.

Adjacent and future development

- 10.61 Again, the enabling role of this hybrid application is noted. Both the full and outline elements of the application allow for spine roads to continue beyond the application site red line boundary. By proposing the demolition and reprovision of the existing mosque and playgroup at 555 Lees Hall Road, the provision of replacement allotments, and the delivery of one of the major junctions and site entrances required (in addition to contributions towards infrastructure required outside the application site), the applicant has shouldered a proportionately greater share of the enabling costs and infrastructure needed at the HS61 site. This is welcomed.
- 10.62 For the proposed spine roads, the applicant would be expected to provide adopted highway up to the application site red line boundaries, and to agree to provisions in a Section 106 agreement preventing any ransom scenario from being created and exploited.
- 10.63 During the life of the application the applicant removed the two westwards spine roads from the application's full element. These parts of the development are now proposed in outline. This amendment was made as, following an amendment to the location of the site's internal roundabout, the applicant reconsidered what detail would be appropriate for inclusion in the hybrid application, and concluded that it would be more appropriate to consider details of these two spine roads alongside the other details (such as the road layout of the residential area served by the two spine roads) to be considered at reserved matters stage. This is accepted, and it is noted that the inclusion of the two spine roads in the application's outline element does not diminish their contribution towards enabling development of adjacent land.
- 10.64 It is noted that the layout shown in the applicant's drawings is not compatible with the layout illustrated in drawings submitted with reserved matters application ref: 2021/91759, which is pending a decision. The two application site red line boundaries overlap. While this means only one of the two schemes could be implemented (if both were approved), it would be for the landowner to decide which to allow implementation of. Two permissions (submitted by different applicants) can be granted for the same site, and approval of one would not prevent approval of the other.

Section 106 obligations

- 10.65 As noted above, masterplanning is relevant to planning obligations. Provisions intended to enable development of the wider HS61 site (and to mitigate the impacts of that development) should be fairly apportioned among the developers of parcels of land within the allocated site. No single developer should be unfairly burdened with mitigating the impacts of all development across HS61, or with a disproportionate share of that mitigation. This is especially relevant where developers are at different stages in bringing forward their schemes, or where mitigation is only required when a certain quantum of development is completed.

- 10.66 At the Central Gateway site, while the indicative proposals for 350 units may not cause significant impacts (requiring mitigation) in relation to certain planning matters, they would certainly contribute towards the impacts caused by development of the wider HS61 site. In light of the council's masterplanning approach, it is recommended that the Section 106 Heads of Terms include contributions and obligations that are not only required in relation to mitigation of the impacts of 350 units, but that are also required for development enablement and cumulative (HS61-wide) mitigation reasons.
- 10.67 Of note in relation to masterplanning, the recommended Section 106 Heads of Terms (to be secured via a Grampian-style condition) include:
- Education and childcare – Contribution towards early years and childcare provision, a contribution towards a new two form entry primary school, and a contribution towards secondary school provision.
 - Off-site highway works – Contributions towards off-site highway capacity improvements.
 - Masterplanning – No ransom scenarios to be created and exploited.
 - Open space, sports and recreation reprovision – Contribution towards new on-site facilities.
 - Management and maintenance – Establishment of / participation in a drainage working group (with regular meetings) to oversee implementation of a HS61-wide drainage masterplan.

Masterplanning conclusion

- 10.68 The proposed outline and full elements are an appropriate response to the endorsed masterplan, and demonstrate adequate consideration of future development at adjacent sites. The application's enabling role is welcomed. The recommended Section 106 Heads of Terms would ensure the proposed development would sufficiently and fairly contribute towards the enabling of development elsewhere within the HS61 allocated site, and towards mitigation of the impacts of HS61-wide development.

Urban design

- 10.69 Local Plan policies LP2, LP5, LP7 and LP24 are of particular relevance to this application in relation to design, as is the text of site allocation HS61 and the council's Housebuilders Design Guide SPD. Chapters 11 and 12 of the NPPF and the National Design Guide are also relevant.
- 10.70 The application site is currently undeveloped, undulating agricultural land bordering mostly residential uses to the north and agricultural uses to the south. The wider HS61 allocated site has a similar setting.

- 10.71 The application site doesn't have a lengthy main road frontage, and there are no above-ground designated heritage assets within the site or nearby. The residential properties of Ravensthorpe Road (that back onto the application site) provide a fairly regular typological pattern of mostly semi-detached 2-storey dwellings. Trees and other vegetation, as well as existing field boundaries and Lady Wood, provide the application site with features and edges that can be worked with in a proposed design. Drainage requirements and topography must also influence design – the lowest parts of the site are likely to be the most appropriate locations for drainage attenuation, and sloped land should be worked with and not radically reshaped.
- 10.72 The proposed road layout (including those stretches of spine road within the application's outline element) has been influenced by many of the above constraints and considerations, as well as the location of the roundabout proposed off-site by Network Rail, the narrow part of the application site (at the southeast corner of the school grounds), and the need to provide good connectivity with adjacent land.
- 10.73 In terms of that connectivity, the proposed new western active travel link would provide a new connection from the site to Ravensthorpe railway station, with a new pedestrian refuge island proposed on Ravensthorpe Road to facilitate this. Access to the station would be further enhanced in the future when the adjacent roundabout is provided by Network Rail. The improvements to the access road that passes Ravenshall School would also provide enhancement to bridleway DEW/94/10, including improvements to its surface, with an improved connection to Ravensthorpe Road provided following the initial phase when the junction would be amended to provide an active travel / bridleway link only, with access to the school and dwellings provided instead from the spine road. High quality pedestrian and cycle facilities are proposed along the spine road in the form of dedicated footways and cycle tracks, which would connect to the proposed new CYCLOPS signalised site access junction to the north (at the existing Forge Lane / Lees Hall Road junction) which is intended to provide dedicated pedestrian and cycle crossings in all directions.
- 10.74 During the life of the application, officers queried whether the northernmost spine road could be moved southwards, to provide developable space directly behind 85 to 135 Ravensthorpe Road which would enable the completion of perimeter blocks. However, moving the spine road southwards would increase the amount of excavation and retention needed at this sloped site, and land directly to the rear of 85 to 135 Ravensthorpe Road has drainage constraints (and would be better used for attenuation) in any case.
- 10.75 The road and junction proposals within the application's full element enable the use of sustainable modes of transport, and also include street trees in compliance with policy 131 of the NPPF. Public rights of way have also been taken into account.
- 10.76 The alignment of the site's high pressure gas pipelines has informed the proposed layout.
- 10.77 Tree constraints have informed the proposed layout where possible.

- 10.78 Other aspects of the proposed layout would assist placemaking and legibility by locating community uses at a focal (and nodal) point, creating a sense of arrival, and appropriately celebrating an existing long view into the site from Calder Road.
- 10.79 With the above constraints and considerations taken into account, with an acceptable road layout proposed, and with logical developable areas defined, no further assessment of design matters is necessary at this hybrid application stage. Much more design work and assessment would be carried out at reserved matters stage, if outline permission is granted. At that stage, detailed designs would be assessed, including in relation to grain, heights, building orientation, typologies, elevational treatments, materials, security, landscaping, green corridors, and dementia-friendly design.
- 10.80 Context is an important consideration when assessing the design of major residential developments, and such developments are expected to respect and enhance the local character of the area, usually by taking cues from the character of the built environment within the locality. This can be done with reference to existing nearby typologies (be they bungalows, terraces, semis, detached dwellings, blocks of flats or another form of building), but also by reflecting other aspects of a site's context, such as building heights, roof forms, fenestration patterns, elevation-to-elevation distances (street cross-sections), arrangements of gardens, and materials. There is also, however, some allowance in design guidance (e.g., the National Design Guide) for large residential schemes to deviate from their contexts (to an extent) and establish their own identity.
- 10.81 The above considerations would be of most relevance at reserved matters stage when typologies, heights and other aspects of design are known, however at this hybrid (partly outline) stage, it is noted that the heights set out in the applicant's "scale" parameter plan would be reflective of those found to the north of the application site, and additional (but still modest and context-appropriate) height is proposed close to the enlarged Forge Lane / Lees Hall Road junction, which would appropriately help to mark this nodal point and key entrance.

Landscape impacts

- 10.82 The application site has landscape sensitivities due to its topography, and the fact that much of the site is visible from adjacent land and public rights of way.
- 10.83 A Landscape and Visual Appraisal has been submitted. This assessed the impacts of the development when the site is seen from surrounding viewpoints. 15 such viewpoints were assessed, including locations along nearby public rights of way. The document identified no significant and widespread adverse effects resulting from the proposed development, but nonetheless recommended the use of strong landscape buffers, retention of trees and hedgerows, the creation of landscape corridors and other measures to mitigate the proposed development's impacts.

- 10.84 Officers also note that the applicant has attempted to work with the application site's topography, and has not proposed to radically reshape it with extensive excavation and retention. Extensive green spaces are proposed. These aspects of the proposed development would help limit its visual and landscape impact, as would landscaping measures that can be proposed and secured at reserved matters stage.
- 10.85 It is accepted that development of the Central Gateway site would inevitably be transformative. This is unavoidable, given the land is currently undeveloped. However, given the above assessment, the proposed development's landscape impacts are considered acceptable.

Quantum and density

- 10.86 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to ensure land is efficiently and sustainably used (having regard to all relevant planning considerations) which will help ensure the borough's housing delivery targets are met. Under-use of scarce, allocated development land could potentially contribute towards development pressure elsewhere, at less appropriate sites, including at sites where sustainable development is harder to achieve.
- 10.87 The number of dwellings at this site is not to be fixed at this stage (350 are indicatively proposed, however this figure is not included in the development description or the applicant's parameter plans). A higher or lower number may be proposed at reserved matters stage, if outline permission is granted.
- 10.88 The application site is 29.41 hectares in size, however this includes extensive areas required for new roads, junctions, replacement community facilities and allotments, and drainage attenuation, and includes woodland areas and areas beneath electricity pylons and overhead cables that are not developable. It would therefore be inappropriate to use the 29.41 hectare figure in density calculations. Instead, the applicant's figure for the residential developable area (approximately 9.7 hectares) can be used, and with an indicative quantum of 350 dwellings, this results in a density of 36 dwellings per hectare, which is just above the 35 dwellings per hectare expectation set out in Local Plan policy LP7.
- 10.89 It is noted that variations in density – including higher-density development close to Ravensthorpe railway station – could be possible within the application site. Flatted development attractive to commuters (who would benefit from the expected improved services from the station) may enable more intensive and efficient use of parts of the site. It is also noted that the application's outline element allows for residential use of the area south of the enlarged Forge Lane / Lees Hall Road junction, possibly in the form of flats above the community uses at ground floor level. This would further affect quantum and density.

- 10.90 Further consideration of quantum and density would be appropriate at reserved matters stage.

Housing types, mix, sizes and tenures

- 10.91 Paragraph 3.5 of the Local Plan recognises that “If identified housing needs are to be met, houses of all sizes are needed together with an increasing number of bungalows and flats/apartments”, and policy LP11 requires all proposals for housing to contribute to creating mixed and balanced communities in line with the latest evidence of housing need. It goes on to state that all proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. For major developments, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. The council’s most recent published assessment of housing need is the Kirklees Strategic Housing Market Assessment (2016). This suggests that, across Kirklees, the greatest requirement within the private housing sector is for 3-bedroom houses, however there is also a significant requirement for 1-, 2- and 4-bedroom houses. There is some (albeit less of a) requirement for private flats and bungalows. Within the affordable housing sector, the greatest requirement is for 3-bedroom houses, and affordable flats are also required.
- 10.92 On 20/09/2022 the council commenced consultation on a draft Affordable Housing and Housing Mix SPD. This SPD may be adopted in the relatively near future, and may be a material consideration by the time detailed proposals are considered at the application site.
- 10.93 The sizes (in sqm) of the proposed dwellings would be a material planning consideration at reserved matters stage. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council’s other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Pandemic-related lockdowns in 2020/21 and increased working from home have further demonstrated the need for adequate living space.
- 10.94 Although the Government’s Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council’s Housebuilder Design Guide SPD. NDSS is the Government’s clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, since April 2021, all permitted development residential conversions were required to be NDSS-compliant.
- 10.95 As the current application is a hybrid (with the residential element in outline), a breakdown of the proposed unit sizes has not been provided, nor did it need to be. Further consideration of unit sizes would be carried out at reserved matters stage, if outline permission is granted.

- 10.96 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.97 20% of 350 dwellings is 70, and the submitted Planning Statement confirms that these would be provided. This complies with the requirement of Local Plan policy LP11, and it is recommended that a 20% provision be secured via a Section 106 agreement.
- 10.98 Details of the sizes, locations, house types and tenures of the affordable units would be required at reserved matters stage.

Residential amenity and quality

- 10.99 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.100 To ensure impacts on existing neighbouring residents during the construction phase is minimised, a Construction (Environmental) Management Plan would need to be devised, approved and implemented. This would need to include measures relating to noise, vibration, dust and hours of works.
- 10.101 In terms of noise from the completed development, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular, cycle and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential and community uses are not inherently problematic in terms of noise, and are not considered incompatible with existing surrounding uses in relation to noise, although some control over hours and/or noise from the proposed community uses may be appropriate (this matter would be considered further at reserved matters stage).
- 10.102 At this hybrid application stage, and based on the information submitted to date, there is no reason to believe the proposed dwellings would be deficient in amenity or quality. Further assessment (and application of relevant policies) would be appropriate at reserved matters stage.

Open space, trees, biodiversity and landscaping

- 10.103 The applicant's "green infrastructure" parameter plan includes 16.51 hectares shaded and annotated as public open space, Lady Wood, retained landscape features, new road earthworks, new pedestrian and cycle routes, proposed planting, sustainable drainage systems, highway works, areas of ecology and ecological enhancement and high voltage pylon easement. A further 1.08 hectares of green infrastructure / open space is annotated within the residential developable area.

- 10.104 The applicant's indicative layout similarly shows extensive areas of green and open space. The submitted Planning Statement refers to the provision of 18.8 hectares of open space at the application site, including play spaces.
- 10.105 Regarding play, the proposed 350 dwellings trigger a need for a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA). Regarding allotments, a provision would be required, as more than 50 dwellings are proposed.
- 10.106 The majority of the proposals are submitted in outline, and a breakdown of measured areas (referring to the six open space typologies defined in the council's adopted Open Space SPD) has not been provided at this stage, nor have details of play spaces and allotments. This means that, while extensive open space is proposed within the application site, it cannot be confirmed yet that all the open space needs of 350 dwellings (calculated in accordance with Local Plan policy LP63 and the methodology set out in the Open Space SPD, taking into account deficiencies in the Dewsbury South ward) would be provided for on-site. Furthermore, there is a need to consider the best locations and strategic placement of certain open space typologies (particularly those relating to sports and recreation, and allotments) within the wider HS61 allocated site – it may prove more appropriate to locate these outside the application site.
- 10.107 Further consideration of open space provision would be necessary at reserved matters stage, if outline permission is granted. At this hybrid (mostly outline) application stage, a Section 106 obligation is recommended, securing a financial contribution towards off-site open space provision, the need for which would be ascertained at reserved matters stage if shortfalls in on-site provision were identified and/or if off-site provision was considered preferable.
- 10.108 Land at the Forge Lane / Lees Hall Road junction is identified as a Small Open Space in the Local Plan (refs: 1024 and 926, named "Land adjacent 414-416 Lees Hall Road, Dewsbury" in appendix 4 of the Local Plan's Strategy and Policies document), and Ravenshall School is identified as Urban Green Space. The proposed enlargement of the Forge Lane / Lees Hall Road junction would involve the loss of the Small Open Space at this junction, and policy LP61 therefore applies. This allows the loss of such a space where replacement open space which is equivalent or better in size and quality is provided elsewhere within an easily accessible location for existing and potential new users. This policy requirement is met by the significant areas of new open space that would be provided within the Central Gateway site.
- 10.109 Regarding trees, Local Plan policy LP33 is relevant. No trees within the application site are protected by Tree Preservation Orders or conservation areas. No hedgerows within the application site are deemed "important" under the Hedgerow Regulations 1997. However, at the west end of the application site, Lady Wood is an important local recreation and biodiversity asset, and forms part of the borough's Wildlife Habitat Network. As confirmed in the applicant's tree survey, mature trees of amenity value exist along field boundaries within the application site.

- 10.110 The roads and junctions within the application's full element appear to have been designed to accommodate existing trees where possible, although an Arboricultural Impact Assessment and Method Statement (recommended to be secured by condition) would be needed to confirm that levelling and regrading would not adversely affect existing trees. KC Trees have expressed concern regarding the possible loss of two mature oak trees (numbered T6 and T10 in the applicant's tree survey). These trees should be retained if possible. The required Arboricultural Impact Assessment and Method Statement would confirm if this loss can be avoided (possibly with an adjustment to the alignment of the spine road). For any trees lost, compensatory tree planting would be required, the details of which would be provided at reserved matters and conditions stages.
- 10.111 For the application's outline element, layout and landscaping are reserved matters, and further consideration of tree impacts would be necessary at that later stage. Road and curtilage layout within the residential developable area would be expected to work around (and with) existing trees of value.
- 10.112 No development is proposed within Lady Wood.
- 10.113 The proposed spine roads (in both the full and outline elements) have been designed to include street trees in accordance with paragraph 131 of the NPPF, Green Streets principles, and council guidance.
- 10.114 Regarding biodiversity, all of the application site is within an Impact Risk Zone (IRZ) of a Site of Special Scientific Interest (SSSI), but is approximately 5km away from the edge of the Denby Grange Colliery Ponds SSSI. The IRZ is of relevance to livestock and poultry units, slurry lagoons and general combustion processes. None of these developments are proposed under the current application. Bats are known to be present in the area surrounding and including the application site. The majority of the application site is within a Biodiversity Opportunity Zone (Pennine Foothills for most of the site, Built-up Areas for a part of the site around the Forge Lane / Lees Hall Road junction). As noted above, Lady Wood forms part of the borough's Wildlife Habitat Network. The western end of the application site forms part of the Strategic Green Infrastructure Network.
- 10.115 A net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30, the council's Biodiversity Net Gain Technical Advice Note, chapter 15 of the NPPF, and the Environment Act 2021.
- 10.116 The applicant has submitted an Ecological Impact Assessment which includes a biodiversity net gain calculation using Natural England's Biodiversity Metric 2.0. This confirms that the proposed development would deliver a net gain in habitats (of either 11.79% or 14.29% – two figures are provided, both exceeding the required 10%) and a 33.60% net gain in hedgerows.

- 10.117 The Environment Agency have commented that the submitted biodiversity net gain calculation omits an assessment of river and stream habitat units. The applicant has responded, stating that the application site doesn't include any relevant open watercourses, however officers note that a watercourse exists within the southeast corner of the application site (south of Ravenshall School), and the Environment Agency have stated that in biodiversity net gain assessments the riparian zone is defined as a 10m zone from top of a riverbank.
- 10.118 While the applicant's proposed net gain in respect of habitats and hedgerows is welcomed, clarity is needed regarding the extent of habitat net gain that would be achieved, and a response is needed regarding river and stream habitat. An appropriate condition is recommended, as is a Section 106 obligation (which would take effect if it was established that a net gain in river and stream habitat units could not be achieved on site).
- 10.119 During the life of the application, the applicant has also responded to comments regarding wintering birds and bats.
- 10.120 As an internal bat survey of 555 Lees Hall Road has not been carried out, a greater survey effort was undertaken in the form of additional external surveys. These found that bats were indeed present in the area, but none were seen to interact with or enter 555 Lees Hall Road. The author of the survey has assumed the observed bats were roosting nearby, and that bat roosts are likely to be absent from the building. The author also noted that the street lighting and high lumen security lighting around 555 Lees Hall Road would reduce the viability of 555 Lees Hall Road as a bat roost.
- 10.121 The applicant's Wintering Bird Survey Report details surveys carried out in January, February and March 2022. These surveys noted the presence of 41 bird species, including "red list" (of the Government-recognised UK Birds of Conservation Concern list) species (linnet, skylark, starling, greenfinch, herring gull, house sparrow, marsh tit, mistle thrush and yellowhammer) and "amber list" species (bullfinch, kestrel, hedge accentor, woodpigeon, meadow pipit, song thrush and wren). A barn owl was also noted in an adjacent field.
- 10.122 Section 4 of the submitted Wintering Bird Survey Report suggests that development of the site provides opportunities for mitigation, creating new habitats and foraging opportunities for those species (such as house sparrow and starling) that are often found in urban environments. No mitigation is suggested in relation to ground-nesting farmland birds such as skylarks, and an appropriate condition is therefore recommended. The provision of skylark plots and other measures is likely to be necessary to mitigate impacts on this at-risk species.

- 10.123 Badger setts would not be affected by the proposed development.

Highway and transportation issues

- 10.124 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.125 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.126 Regarding cumulative impacts, paragraph 014 of the Government’s online Planning Practice Guidance (Travel Plans, Transport Assessments and Statements chapter) states that it is important to give appropriate consideration to the cumulative impacts arising from other committed development (i.e., development that is consented or allocated where there is a reasonable degree of certainty will proceed within the next three years). At the decision-taking stage this may require the developer to carry out an assessment of the impact of those adopted Local Plan allocations which have the potential to impact on the same sections of transport network as well as other relevant local sites benefitting from as yet unimplemented planning approval.
- 10.127 For the current hybrid application’s outline element, all matters are reserved, including access. For the full element, drawings and details of roads and junctions have been submitted for approval.
- 10.128 Existing highway conditions must be noted. Vehicular access into the application site is available from:
- Between 139 and 143 Ravensthorpe Road;
 - Between 79 and 83 Ravensthorpe Road;
 - The lane serving Ravenshall School;
 - Lees Hall Road; and
 - Ouzelwell Lane.
- 10.129 In addition, pedestrian access into and through the application site is available from several public rights of way (DEW/1/10, DEW/1a/10, DEW/2/10, DEW/3/10, DEW/6/50, DEW/94/10, MIR/77/20 and MIR/77/30), and claimed bridleways have been annotated across parts of the application site.
- 10.130 A mini roundabout exists at the junction of Forge Lane and Lees Hall Road. Close to this junction are vehicular access points serving Blackers Court and the warehouse/employment premises occupied by Filltex Ltd. Further to the west is the vehicular access to the car park serving the mosque and playgroup at 555 Lees Hall Road.
- 10.131 The lane serving Ravenshall School joins Ravensthorpe Road between numbers 19 and 25, and itself is annotated on maps as “Ravensthorpe Road”. The lane currently provides access to the existing allotments and the rear of 1 to 19 Ravensthorpe Road, as well as the school. Double yellow lines exist along this short lane. The southern terminus of the lane is gated. Bridleway DEW/94/10 extends along this lane and continues southwards beyond the gate.

- 10.132 To the north of the application site, Ravensthorpe Road has speed plateaux, central white line hatching, a pedestrian refuge and no parking restrictions. The road is subject to a 30mph speed restriction.
- 10.133 Regarding public transport, Ravensthorpe railway station is within walking distance of the application site. The entire application site is within an 800m / 10-minute walk of the station, and development at the application site can therefore be referred to as a “Walkable Neighbourhood”, using Manual for Streets definitions. Forge Lane, Lees Hall Road and Ouzelwell Lane are served by the 230, 230A and AL4 bus routes. Parts of the existing Core Walking and Cycling Network run through and along the edges of the application site.
- 10.134 Access to the replacement allotments (approved under permission ref: 2021/90552) is to be provided via the access point between 79 and 83 Ravensthorpe Road.
- 10.135 Future infrastructure improvement projects are relevant to the consideration of the current hybrid application. The Transpennine Route Upgrade is intended to deliver faster, more frequent and more reliable services along the route that serves Ravensthorpe railway station, and the station itself is to be rebuilt (in a new location, slightly further to the southwest) with a new road bridge carrying Calder Road over the railway lines, and a roundabout at the junction of Calder Road and Ravensthorpe Road, from where an arm would serve the new station (and its bus interchange), and a fourth arm would provide access southwards into the HS61 allocated site.
- 10.136 Also of relevance, the Mirfield to Dewsbury to Leeds project (M2D2L, also identified as scheme TS5 in the Local Plan, and intended to reduce congestion, reduce travel times, improve air quality and enhance the public realm along the A644 and the A653) involves a series of improvements to the key southwest-northeast thoroughfare to the north of the HS61 site.

Access points

- 10.137 The application site’s “primary vehicle access” is proposed at the Forge Lane / Lees Hall Road junction. Provision of this vehicular entrance (and the associated enlarged junction) would involve the demolition of 555 Lees Hall Road. When the current hybrid application was submitted, the applicant proposed a roundabout at this junction, however assessment during the life of the application found that this could not be designed to be compliant with the Government’s relevant guidance (the Design Manual for Roads and Bridges, and LTN 1/20). The junction was therefore subsequently redesigned as a signalised CYCLOPS (“Cycle Optimised Protected Signals”) junction, which would separate pedestrians and cyclists from motorised traffic, and which is intended to reduce the possibility of collisions or conflict. Vehicular access points serving Blackers Court and the premises occupied by Filltex Ltd would need to be altered, and an electricity substation would need to be relocated. Existing on-street parking spaces would be relocated to the rear (south) of 1 to 19 Ravensthorpe Road.

- 10.138 The existing vehicular access from Ravensthorpe Road to Ravenshall School would initially be retained, and would provide access to the southern section of the proposed spine road (and the first phase (150 dwellings) of residential development) until the Forge Lane / Lees Hall Road junction is completed. Thereafter, the applicant intends to close the north end of this access to vehicular traffic, meaning vehicular access to the school and to the rear of some dwellings on Ravensthorpe Road would be via the new spine road.
- 10.139 The previously-approved vehicular access (between 79 and 83 Ravensthorpe Road) to the replacement allotments would not be amended, although an “active travel route” (which the applicant proposes to define at reserved matters stage) is proposed alongside it.
- 10.140 A further “active travel route” is proposed between 139 and 143 Ravensthorpe Road. This route has been shown at 6m wide, which would allow for an active travel link for all users, including horse riders, as well as providing a secondary emergency vehicle access (controlled by friable bollards). Again, the applicant proposes to provide details of this connection at reserved matters stage.
- 10.141 Further access points would be available to pedestrians via existing public rights of way. Further vehicular access points into the application site have been suggested by the spine roads indicatively shown on the applicant’s drawings (including a spine road that would ultimately connect to the new Calder Road / Ravensthorpe Road roundabout proposed by Network Rail via third party land), however full details of these roads have not been submitted.

Trip generation, traffic impact and network assessment

- 10.142 The scope of the applicant’s Transport Assessment (TA) was agreed during the life of the current application. This has included assessment of impacts of the proposed development at the following junctions:
- Forge Lane / Lees Hall Road junction
 - Forge Lane / Station Road / Thornhill Road junction
 - Calder Road / Huddersfield Road junction
- 10.143 Of note, future development proposals at other parts of the HS61 application site, and wider proposals which include the current application site, are likely to necessitate assessment of additional junctions.
- 10.144 Regarding trip generation, Table 7.2 in the applicant’s Traffic Distribution Manual Assignment (issue E, March 2022) forecasts the following vehicle movements generated by 350 dwellings at the application site:

	In	Out	Total
AM peak hour	43	125	168
PM peak hour	109	69	178

- 10.145 The applicant’s traffic modelling takes into account predicted background traffic growth, and assesses impacts in the year 2030.

10.146 Regarding cumulative impacts, the expired outline planning permission granted on 12/04/2017 (ref: 2016/94117) at the east end of what is now allocated site HS61 need not be taken into account. A current application for a new Lidl store at Forge Lane (ref: 2022/91658) should not be regarded as a committed development, as the proposal has not yet been fully assessed, no decision on that application has been made, and it relates to an unallocated site. However, officers have asked the applicant for the current hybrid application to test with- and without-Lidl scenarios.

Forge Lane / Lees Hall Road junction

10.147 The proposed CYCLOPS junction is considered acceptable in principle. It is a significant improvement on the previously-proposed roundabout, and is of a form that could adequately provide for traffic movement without unacceptable queueing (a further assessment of these matters will be carried out once the applicant submits an amended TA that reflects the most recent design work carried out at this junction). It is recommended that further detail of the design of the new junction, and an accompanying road safety audit, be secured by condition.

10.148 The proposed new junction would separate pedestrians and cyclists from motorised traffic. Such measures – intended to reduce the possibility of collisions or conflict – are welcomed. Of note, the proposed spine road that would extend southwards into the application site would also be provided with separate 2m wide cycle lanes and 2m wide footways on both sides of the carriageway, continuing the separation of vehicles, pedestrians and cyclists.

10.149 A 9m-long stretch of on-street parking space outside 1 to 19 Ravensthorpe Road would be lost, as would two spaces adjacent to the gable end of 19 Ravensthorpe Road. This would mean four on-street spaces would be lost in total. To compensate for this loss, six new spaces are proposed to the rear (south) of 1 to 19 Ravensthorpe Road, however there is scope for additional spaces to be provided here, which may prove necessary if more on-street spaces are lost than are currently anticipated. The replacement spaces would be overlooked by the residents likely to use them.

10.150 A parking area at 39 to 49 Blackers Court would also be lost. A replacement parking area (providing seven spaces – one for each of the six properties, and one visitor parking space) has been requested.

10.151 The interim access arrangements proposed by the applicant (and described at paragraph 10.138 above) are considered acceptable. The closure of the north end of the access lane to vehicular traffic would not result in any residents losing vehicular access to their property.

Forge Lane / Station Road / Thornhill Road junction

10.152 A double mini roundabout currently exists at this junction. Congestion already occurs here, with queues forming on all arms. Additional traffic introduced at this junction would add to this existing capacity problem.

10.153 To accommodate the traffic of the HS61 site allocation (and the proposed Lidl store, if it is approved), the double mini-roundabout junction is likely to require upgrading to a signalled junction. The development proposed under the current hybrid application would need to make a proportionate financial contribution to this junction signalisation. As no signalisation scheme has been developed and costed yet, and as the final number of dwellings to be provided at the current application site is not fixed (350 are proposed, however this figure is not included in the development description or the applicant's parameter plans), it is not yet possible to define the required financial contribution amount. Instead, it is recommended that the contribution be secured on the basis on the following formula:

$$\left(\frac{X \text{ (cost of highway improvement scheme)}}{Y \text{ (dwellings to be delivered at HS61 site)}} \right) \times Z \text{ (number of dwellings proposed in each development)}$$

10.154 Using this formula for the current hybrid application, the “Z” input would be 350 dwellings, although this number would be confirmed at reserved matters stage (if outline permission is granted).

10.155 Of note, the above formula may be used to inform future discussions with other applicants proposing development that would affect this junction (for non-residential schemes, the “Y” and “Z” inputs would need to be converted to reflect the equivalent number of vehicle movements), however some flexibility may be needed and alternative approaches may prove necessary as more becomes known regarding delivery, timings, impacts and costs.

10.156 In addition to the above-mentioned signalisation scheme, the applicant suggested interim mitigation works intended to improve the operation of the double mini-roundabout. In response, officers have noted that right-turning traffic entering Vicarage Road (understood to be heading to Headfield Junior School at the start of the school day) causes congestion on the roundabouts during the AM peak period, as this traffic queues when it is unable to turn right due to southbound queueing traffic on Savile Road. The right-turners queue back to the roundabout, blocking other turning movements within the roundabout circulatory carriageway.

10.157 To address this issue, the applicant suggested that yellow box markings be provided at the Vicarage Road / Savile Road junction (Savile Road southbound lane only), which would help to address this problem. This would be welcomed, and an appropriate condition (requiring implementation of the works under Section 278) is recommended.

10.158 The provision of a pedestrian refuge island (on the Thornhill Road arm) has also been considered, however the applicant has stated that swept path analysis indicated that this would not be feasible. It is also understood that a pedestrian island has previously been provided in this location, but was removed due to vehicle strikes.

Calder Road / Huddersfield Road junction

10.159 As noted by the applicant, there are known capacity / operational issues at the existing Calder Road / Huddersfield Road junction and associated gyratory system. While the gyratory traffic signals may be able to operate within capacity, external factors on approach to the junction are contributing to the large queues that form here. These external factors include bus stops and unlinked pedestrian crossings that restrict the flow of vehicles to the junction and impact upon its efficient operation.

10.160 To mitigate the impact of additional development traffic at this junction, the applicant has committed to upgrading the signal equipment and amending the signal timings, which would be undertaken following further assessment and monitoring work.

10.161 Officers are of the view that improvements of this nature could be secured via a Section 106 contribution, rather than by condition – this would be a simpler approach, and would allow the funds to be utilised for the most appropriate works identified by the council at the appropriate time.

10.162 A contribution of £70,000 would secure appropriate measures, which may include the revalidation and optimisation of the SCOOT system at the gyratory, including necessary surveys and assessment, and the upgrading of the zebra crossing to the east of the gyratory (adjacent to the junction with Spen Valley Road) to a puffin crossing, and linking this to the gyratory signals.

10.163 In addition to the above, amendments to the “no waiting” restrictions around this junction may be appropriate, given the parking which takes place on Calder Road on the approach to the traffic signals, which blocks access to the stop line. This existing problem may be exacerbated by the additional traffic of the proposed development, therefore it is recommended that a £10,000 contribution towards investigating this matter and – if necessary – funding a Traffic Regulation Order amendment and associated relining and signing work.

10.164 The contributions relating to the Calder Road / Huddersfield Road junction would total £80,000. The council is in the process of investigating the need for junction improvements works across the wider highway network associated with the full delivery of the Dewsbury Riverside site, and this may result in wider improvements being proposed at the Ravensthorpe gyratory junction. As such, it may be the case that the £80,000 financial contribution could be used instead to contribute to a wider improvement scheme than is currently envisaged above. Therefore, it is recommended that flexibility is provided for within the relevant Section 106 obligation to allow the contribution to be used for the most appropriate improvement measure(s) that may be identified in future.

Strategic Road Network

- 10.165 Site allocation HS61 notes that development of the allocated site has the potential for a significant impact on the Strategic Road Network (SRN).
- 10.166 National Highways noted that the application site is located 5 miles east of junction 25 of the M62 and 5.5 miles west of junction 40 of the M1. Although the applicant's TA does not include an assessment of impacts upon the SRN, National Highways considered this acceptable given the quantum of development proposed under the current hybrid application, and given the application site's distance from the SRN.
- 10.167 National Highways have, however, correctly stated that assessments relating to future phases of development at the HS61 site would need to take into account potential impacts on the SRN. Officers would add that this would also apply to any wider submission relating to land including the current application site.

Internal layout, servicing and refuse collection

- 10.168 From the proposed new site entrance at the Forge Lane / Lees Hall Road junction, a new spine road would extend southwestwards into the application site, as far as a new roundabout proposed close to the southern edge of the application site. Drawings submitted by the applicant show a broadly acceptable design for the spine road (including in relation to how the existing bridleway DEW/94/10 would cross the new road), however further assessment (of detailed designs and road safety audits) would be necessary at conditions stage.
- 10.169 Other roads are illustrated indicatively by the applicant. From the proposed internal roundabout, a spine road is indicatively shown running southeast-northwest through the application site, providing access to third party land within site allocation HS61, and to a new roundabout proposed by Network Rail (outside the application site) where Calder Road and Ravensthorpe Road (following new alignments) would meet. Another spine road is indicatively shown extending westwards from the new internal roundabout, again providing access to third party land within site allocation HS61. A fourth arm would extend to the application site's southern boundary. Details of these roads would need to be submitted and considered at reserved matters stage (if outline planning permission is granted). Similarly, the road layout of the proposed residential area would be assessed at reserved matters stage.
- 10.170 The internal layout of the proposed development would need to be built to adoptable standards, as set out in the Kirklees Highway Design Guide SPD and Highways Guidance Note – Section 38 Agreements for Highway Adoptions March 2019 (version 1) and associated documents. The council's Waste Management Design Guide for New Developments (2020, updated 2021) will also need to be complied with.

Road safety

10.171 Officers have reviewed personal injury accident data for the area surrounding the application site, and have concluded that – as stated in the applicant’s original TA – there does not appear to be any significant accident patterns or trends within the vicinity of the application site and the proposed site accesses.

Sustainable travel

10.172 More detail regarding sustainable travel measures (such as the provision of cycle parking) would be provided at reserved matters stage, if outline permission is granted.

10.173 At the current hybrid application stage, however, the West Yorkshire Combined Authority (WYCA Metro), relaying their comments through officers, have recommended that a Sustainable Travel Fund contribution of £179,025 and a public transport improvement contribution of £186,250 be secured. The recommended public transport contribution comprises:

- The provision of two bus shelters (costing £13,000 each) along the development’s spine road;
- The provision of two real-time displays (costing £10,000 each) at the same bus stops; and
- A £140,250 contribution towards the provision of a bus service (calculated based on the £750,000 likely to be required for this service (£150,000 per annum for five years), of which an 18.7% share (based on 350 units of the 1,869 units proposed within the Local Plan period) is considered reasonable for the development currently proposed).

10.174 The above advice is noted, and officers support the recommendations relating to bus shelters and real-time displays, as these would be required regardless of whether fewer or more than 350 dwellings are proposed. For the bus service contribution, however, it is not recommended that a figure be set at this stage, and a formula (similar to that set out at paragraph 10.153 of this report) is instead considered more appropriate. This would take into account the total number of dwellings to be delivered at the HS61 site, and the number of dwellings to be proposed at the application site at reserved matters stage.

10.175 Effective travel planning would also be necessary. The applicant has submitted a draft Travel Plan, and a final version of this would need to be submitted at conditions stage (if outline permission is granted). It is also recommended that a Travel Plan monitoring contribution of £15,000 be secured.

10.176 Although site allocation HS61 states that proposals for this site should also contribute towards improvements to Ravensthorpe railway station, no consultees (including Network Rail) have requested such a contribution, no scheme (to which such a contribution would be put) has been identified by consultees, and given the additional infrastructure costs that would be shouldered by the proposed development, it is not considered necessary to secure such a contribution. Other applications relating to the HS61 site may, however, be required in contribute in accordance with the site allocation text.

Parking

10.177 Other than the re-provision of existing on-street parking spaces (necessitated by the proposed Forge Lane / Lees Hall Road junction works, and considered earlier in this report), parking provision would be addressed at reserved matters stage if outline permission is granted. The applicant's indicative layout suggests enough space has been allowed for parking associated with the replacement community facilities. Parking for the proposed residential areas would need to respond positively to the expectations of the council's Highway Design SPD. There may be scope for car-free residential development in parts of the site close to Ravensthorpe station, if evidence demonstrates that highway-related problems would not arise.

Construction traffic and access

10.178 The applicant's proposal to direct construction traffic along the lane that passes Ravenshall School has attracted significant local objection. Concerns relate to accident risks, movement conflicts, dust, noise and general disruption caused by construction traffic. Restricting the timing of HGV movements to avoid the start and end of the school day (to address concerns) appears not to be possible, as this would unacceptably limit construction hours, given the shorter hours that this particular school operates.

10.179 Officers have therefore explored whether an alternative construction access route (through the car park of 555 Lees Hall Road and the existing allotments) would be possible, however the phasing of the proposed road and junction works, and of the replacement community facilities, appears not to allow this.

10.180 It therefore appears that the use of the two site access points further to the west (off Ravensthorpe Road) would be the only options for providing construction access into the site while avoiding Ravenshall School. Discussions regarding this matter with the applicant are ongoing, and an acceptable proposal would need to be included in the recommended Construction Environmental Management Plan (to be secured by condition). The same document would need to address contractor parking and other matters relevant to construction management.

Flood risk and drainage issues

10.181 Local Plan policies LP24, LP27 and LP28 are relevant to flood risk and drainage, as is chapter 14 of the NPPF.

10.182 The application site is located within Flood Zone 1 and is therefore generally at low risk of flooding. A short open watercourse exists within Lady Wood. A ditch, trash grille and culverted watercourse exist within the application site, behind existing dwellings on Ravensthorpe Road. From another watercourse at the southeast corner of the application site, a culvert runs almost directly northwards, beneath the lane between Ravenshall School and the existing allotments.

- 10.183 As set out in the Surface Water Drainage Strategy (rev P05) submitted during the life of the application, infiltration testing was carried out on site and proved to be unsuccessful. Ground investigation results indicated that clay soils are the site's predominant sub soil, therefore, discharge via infiltration cannot be used.
- 10.184 Following the drainage hierarchy, the applicant therefore proposes to drain the application site via existing drainage infrastructure, which ultimately discharges into the River Calder. The applicant's drainage consultants have split the application site into three areas – Catchment 1, Catchment 2 and Catchment 3 – which follow the natural falls of the site. Catchment 1 would discharge into the existing private sewer to the north of Ravenshall School, Catchment 2 would discharge into the existing culverted watercourse to the southeast of Ravenshall School, and Catchment 3 would discharge into the existing culverted watercourse to the east of Ravenshall School. Before reaching these discharge points, water would be held within detention basins in the lowest parts of the site, to achieve acceptable discharge rates. Foul drainage proposals have not been submitted, as the uses that would require foul water connections have only been proposed in outline at this stage.
- 10.185 The proposed drainage scheme is intended to address an existing local drainage problem at Ravensthorpe Road, as well as mitigating the impacts of the proposed development. This is welcomed.
- 10.186 Paragraph 2.4.1 of the applicant's Surface Water Drainage Strategy states that the Lead Local Flood Authority (LLFA) are supportive of discharging to existing private drains located within the site, and have confirmed that the downstream private drainage network has sufficient capacity to discharge at greenfield rates.
- 10.187 Yorkshire Water have commented that the proposed drainage strategy is acceptable, as is discharge to the public sewer at the specified rates.
- 10.188 Management and maintenance arrangements for the proposed drainage scheme (until it is adopted) would be secured via the recommended Section 106 agreement.
- 10.189 Given the need for a masterplanned, co-ordinated approach to drainage across the HS61 allocated site, it is recommended that the necessary Section 106 Heads of Terms include the establishment of or participation in a drainage working group (with regular meetings) to oversee the implementation of a HS61-wide drainage masterplan.
- 10.190 A condition is recommended regarding temporary drainage during the construction phase.
- 10.191 Where possible, drainage attenuation should be multifunctional, additionally serving a biodiversity and open space / amenity role. Further details (including landscaping information) of the proposed retention basins would be provided at reserved matters stage, if outline permission is granted.

Environmental and public health

- 10.192 Regarding air quality, the applicant's approach and methodology is accepted. In accordance with advice from KC Environmental Health, conditions are recommended, requiring detailed proposals for low emission mitigation measures to the value of the damage cost. A further condition regarding electric vehicle charging would be more appropriately applied at reserved matters stage.
- 10.193 According to council-held records, parts of the HS61 allocated site are believed to be contaminated. However, contaminated land does not appear to significantly limit the ability of the applicant to develop the site, nor does the site's proximity to historic landfill sites. The contents of the applicant's Phase 1 report (ref: 3901/1A) are accepted, as are the findings to date presented in the Phase 2 report (ref: 3901/2A), however a remediation strategy can't be approved at this stage until site assessments have been completed. In accordance with advice from KC Environmental Health, conditions are recommended regarding intrusive investigation, remediation and validation.
- 10.194 Regarding noise, the applicant's assessment it accepted, although further assessment may be necessary once a detailed layout is proposed at reserved matters stage, and measures to protect residents of the proposed development from noise (during the development's operational phase) may be necessary. A condition requiring a further noise assessment (and mitigation measures, if needed) is recommended.
- 10.195 No odour assessment has been submitted with the application. This could potentially be a material consideration at this application site, given its proximity to operational farms. This matter would need to be assessed at reserved matters stage, when detailed layouts are proposed.
- 10.196 The Construction Environmental Management Plan (to be secured by recommended condition) would assist in mitigating impacts on existing residents (and residents of early phases of the proposed development) during the construction phase.
- 10.197 The detailed comments of KC Public Health regarding the construction phase, housing mix, energy efficiency, accidents, fire safety, walking and cycling, access to open and green space, access to healthy food, community safety and community cohesion have been relayed to the applicant.

Coal mining legacy

- 10.198 Parts of the application site are within the Development High Risk Area as defined by the Coal Authority, while other parts are within the Low Risk Area. Therefore, within the site and surrounding area there are coal mining features and hazards that are material planning considerations.
- 10.199 Subject to conditions, the Coal Authority have not objected to the application. The Coal Authority noted that the proposed engineering works and the formation of a new spine road are not within influencing distances of the recorded mine entries, and these mining features are therefore unlikely to impact the proposed road layout which is being considered as part of the application's full element.

- 10.200 The applicant has referred to three recorded mine entries (CA shaft refs: 422419-027, 423419-004 and 423419-005) present within the area proposed for built development, however the Coal Authority have noted that there is one further mine entry (CA shaft ref: 422419-027) within the area proposed for development. These, and any others found following site investigation, would need to be capped or otherwise appropriately treated before development commences, in accordance with UK authoritative guidance (CIRIA C758D) and under the terms and conditions of a Coal Authority permit.
- 10.201 Several other mine entries relate to Lady Wood. The Coal Authority has asked the applicant to demonstrate to the local planning authority that there would be no risk to public safety as a result of enhancements to this area, and has asked for further commentary (from the applicant's geotechnical consultants) to be provided to the local planning authority, explaining how the risk of untreated mine entries to public safety would be addressed. It is recommended that this matter be conditioned.

Representations

- 10.202 To date, a total of 970 representations have been received in response to the council's consultation. The comments raised have been addressed in this report.

Planning obligations

- 10.203 As the council is the applicant, and as the council cannot enter into a Section 106 with itself, a Grampian-style condition (such as those used at other council-owned sites, including Soothill (application ref: 2018/94189) and Tithe House Way (application ref: 2018/93965)) will need to be applied in accordance with Planning Practice Guidance paragraphs 21a-005-20190723 and 21a-010-20190723. This condition would prevent development commencing until all parties with an interest in the land have entered into a Section 106 agreement with the council (as Local Planning Authority) to provide:

- 20% affordable housing, and details including tenure split, locations, designs, unit size mix and delivery.
- Off-site open space contribution to address shortfalls in specific open space typologies (if necessary).
- Education and childcare contribution (to be reviewed at reserved matters stage when number of units is confirmed and full unit size mix is known).
- Formula-based contribution towards off-site highway works at the Forge Lane / Station Road / Thornhill Road
- Contribution towards junction improvements at Calder Road / Huddersfield Road junction (£80,000).
- Contribution towards monitoring of parking on Lees Hall Road and funding to enable additional "no waiting" restrictions (if necessary).
- Sustainable Travel Fund contribution (£179,025).
- Public transport improvement contribution.
- Travel Plan monitoring contribution (£15,000).
- Biodiversity net gain contribution (if necessary).

- Drainage management and maintenance arrangements, and establishment of a HS61-wide drainage working group.
- Agreement to enable adjacent development, and to not create and/or exploit ransom scenarios.
- Arrangements for the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, including open space.

10.204 Although KC Education advised that a £1,155,551 education contribution may be appropriate for the proposed development, this advice was based on an assumption that 300 of the 350 proposed dwellings would be occupied by households with school-age children. The contribution would also need to address the requirement of site allocation HS61 in relation to early years provision, and would need to include a proportionate contribution towards the provision of a new two form entry primary school elsewhere within the HS61 site (again, in accordance with the requirements of the site allocation). The timing of the provision of a new primary school would need further consideration, to ensure it is ready when needed, but would not undermine existing schools in the area by opening prematurely.

10.205 The necessary Section 106 agreement would be drafted when the applicant seeks discharge of the relevant condition.

Conditions

10.206 Appropriate conditions are recommended in section 12.0 of this committee report. These have been tailored to reflect the two elements (outline and full) of this hybrid application, and the amount of detail submitted under those respective elements.

10.207 For the full element, the current hybrid application provides the council's only opportunity to apply conditions. Securing details of the spine road and construction management (for example) is therefore appropriate at this stage. Many other matters need not be conditioned in connection with the full element, as it relates to the proposed roads and junctions and does not include the proposed residential and community use development.

10.208 For the outline element, a significant volume of further information is expected to be submitted later at reserved matters (if outline permission is approved), and further conditions could be applied at that stage (for example, in relation to boundary treatments and electric vehicle charging).

10.209 Some conditions are repeated in both lists (for example, regarding site contamination), so that consideration of details relevant to one element need not hold up consideration of those relevant to the other.

10.210 Conditions would need to be worded to allow for phased implementation of the proposed development.

Other planning matters

- 10.211 Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations.
- 10.212 An archaeological desk-based assessment was submitted with the application. The assessment states that, for the application's full element, the importance of any archaeological remains is not anticipated to exceed that of low to medium significance. For the outline element, the importance of any archaeological remains is not anticipated to exceed that of low to medium significance. The West Yorkshire Archaeological Advisory Service have not provided comments on the current hybrid application, however it is nonetheless considered appropriate to apply conditions requiring intrusive site investigations prior to development commencing.
- 10.213 Regarding the "Dewsbury Riverside" project name, it is noted that no part of the application site actually meets the River Calder. The naming of the project is, however, not relevant to the consideration (by the council as local planning authority) of the current application.
- 10.214 The Design and Access Statement submitted with the current hybrid application acknowledges the presence of the high pressure gas pipeline and the spur running from it, and identifies these as a design constraint and influence. The indicative layout submitted with the current application accommodate the pipeline and spur.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS61, and the principle of residential development at this site is considered acceptable.
- 11.2 The application site has constraints in the form of adjacent residential development (and the amenities of these properties), topography, drainage, existing energy infrastructure, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at reserved matters and conditions stages.
- 11.3 Given the above assessment and having particular regard to the application's enabling role and the 350 homes that would be delivered by the proposed development, approval of the hybrid application is recommended, subject to conditions and planning obligations to be secured (via an appropriately-worded Grampian condition) under a future Section 106 agreement.

- 11.4 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS

Outline conditions

- 1) Standard outline condition (approval of reserved matters prior to commencement).
- 2) Standard outline condition (implementation in accordance with approved reserved matters).
- 3) Standard outline condition (reserved matters submission time limit – within three years of outline approval).
- 4) Standard outline condition (reserved matters implementation time limit – within two years of reserved matters approval).
- 5) Development in accordance with plans and specifications.
- 6) Completion of a Section 106 prior to commencement, securing:
 - 20% affordable housing, and details including tenure split, locations, designs, unit size mix and delivery.
 - Off-site open space contribution to address shortfalls in specific open space typologies (if necessary).
 - Education and childcare contributions (to be reviewed at reserved matters stage when number of units is confirmed and full unit size mix is known).
 - Formula-based contribution towards off-site highway works at the Forge Lane / Station Road / Thornhill Road junction.
 - Contribution towards junction improvements at Calder Road / Huddersfield Road junction (£80,000).
 - Contribution towards monitoring of parking on Lees Hall Road and funding to enable additional “no waiting” restrictions (if necessary).
 - Sustainable Travel Fund contribution (£179,025).
 - Public transport improvement contribution.
 - Travel Plan monitoring contribution (£15,000).
 - Biodiversity net gain contribution (if necessary).
 - Drainage management and maintenance arrangements, and establishment of a HS61-wide drainage working group.
 - Agreement to enable adjacent development, and to not create and/or exploit ransom scenarios.
 - Arrangements for the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, including open space.
- 7) Travel Plan (including residential and non-residential components) to be submitted.
- 8) Flood risk and drainage – full scheme to be submitted.
- 9) Separate systems of foul and surface water drainage to be provided.

- 10) Ecological mitigation and enhancement details (including an Ecological Design Strategy, and measures to address impacts on birds including ground-nesting farmland birds), revised biodiversity net gain assessment (including river assessment) and details of mitigation and delivery measures to be submitted.
- 11) Air quality mitigation measures to be submitted.
- 12) Further noise assessment and mitigation measures to be submitted.
- 13) Contaminated land – phase II intrusive site investigation report to be submitted.
- 14) Contaminated land – remediation strategy to be submitted.
- 15) Contaminated land – remediation strategy to be implemented.
- 16) Contaminated land – validation report to be submitted.
- 17) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted, including assessment of safety risks (and, where necessary, remediation) relating to coal mining legacy in Lady Wood.
- 18) Archaeological site investigation.

Full conditions

- 19) Development to commence within three years.
- 20) Development in accordance with plans and specifications.
- 21) Construction (Environmental) Management Plan to be submitted.
- 22) Temporary (construction phase) drainage measures to be submitted.
- 23) Provision of site entrance and visibility splays prior to works commencing.
- 24) Details of replacement community facilities to be approved prior to commencement. Forge Lane / Lees Hall Road junction to be completed and replacement community facilities to be provided prior to occupation of more than 150 dwellings.
- 25) Details (including road safety audits and arrangements for implementation under Section 278) of Forge Lane / Lees Hall Road junction works to be submitted.
- 26) Details (and arrangements for implementation under Section 278) of yellow box markings be provided at the Vicarage Road / Savile Road junction, and pedestrian refuge island on Ravensthorpe Road.
- 27) Details (including road safety audits and approval under Section 38) of internal highways to be submitted.
- 28) Details of design, implementation, maintenance and retention of works to public rights of way to be submitted.
- 29) Arboricultural Impact Assessment and Method Statement to be submitted.
- 30) Tree protection measures to be submitted.
- 31) Restriction on timing of removal of hedgerows, trees and shrubs.
- 32) Details of landscaping to be submitted.
- 33) Ecological mitigation and enhancement details (including an Ecological Design Strategy, and measures to address impacts on birds including ground-nesting farmland birds), revised biodiversity net gain assessment (including river assessment) and details of mitigation and delivery measures to be submitted.
- 34) Contaminated land – phase II intrusive site investigation report to be submitted.
- 35) Contaminated land – remediation strategy to be submitted.
- 36) Contaminated land – remediation strategy to be implemented.
- 37) Contaminated land – validation report to be submitted.

- 38) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
- 39) Archaeological site investigation.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f93689>

[Link to application details](#)

Certificate of Ownership – Certificate B signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Nov-2022

Subject: Planning Application 2022/92355 Erection of enclosure of existing ménage Bradshaw Road Stables, Bradshaw Road, Honley, Holmfirth, HD9 6RJ

APPLICANT

Bradshaw Rd Stables &
Riding School

DATE VALID

18-Jul-2022

TARGET DATE

17-Oct-2022

EXTENSION EXPIRY DATE

09-Nov-2022

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Holme Valley North

Ward Councillors consulted: No

Public or private: Public

<p>RECOMMENDATION: REFUSAL</p>

1.0 INTRODUCTION:

1.1 This application is brought before Strategic Committee for determination, under the terms of the Delegation Agreement, since it would constitute Major development on the grounds that the floor space to be created by the proposed new building is 1,000 square metres or more.

2.0 SITE AND SURROUNDINGS:

2.1 The site is located approximately 1.5km to the south-west of Honley village centre of Honley. The surroundings are mainly rural with sporadic residential, agricultural and other development (including equestrian) nearby and on the opposite, south-eastern, side of Bradshaw Road. The land gently rises to the south-west beyond the site boundary. To the north-east, on the opposite side of the track, the land gently falls, and there is an area of deciduous woodland.

2.2 The application site consists of – from north-west to south-east – a ménage measuring some 56m by 28m; a large building providing storage and a customer reception and waiting area; stables and associated buildings built in two C-shaped blocks, extending a further 37m; and area for vehicle parking.

2.3 The site is in use as a riding school and livery stables.

2.4 A gravel-surfaced track (a private way only) provides the vehicular access to the adopted highway.

3.0 PROPOSAL:

3.1 The proposal is for the erection of a building to enclose the existing ménage. It would be of steel-framed portal construction with Yorkshire boarding to the north-western and south-western elevations and green box-profile steel cladding to the other elevations.

3.2 It would measure 60m by 30m. It would be 4.65m to the eaves and 7.6m to the top of the ridge of the shallow-pitched roof.

3.3 The purpose of the proposed development is to enable the ménage to be more fully used. The intention is that by providing a sheltered environment, it could be used in windy conditions and in the winter, when the ground is often waterlogged.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2006/93716 – Erection of 6 stables and formation of ménage. Approved
2006/92457 – Erection of stables for 7 horses. Refused
2013/92401 – Change of use from stables and ménage to riding school with feed storage barn, equestrian facility and erection of additional stables (retrospective) with lighting to existing ménage. Approved and implemented.
- 4.2 Pre-application 2021/20177 – Officers advised that the proposal would be unlikely to be accepted, since it was not in accordance with Green Belt policy and that “very special circumstances” had not been demonstrated.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme):

- 5.1 None to date.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

- 6.2 The site is within the Green Belt within the Local Plan Proposals Map.

LP 21: Highway safety and access

LP 22: Parking

LP 24: Design

LP 28: Drainage

LP 30: Biodiversity

LP 47: Healthy, safe and active lifestyles

LP 50: Sport and physical activity

LP 56: Facilities for outdoor sport, outdoor recreation and cemeteries

Holme Valley Neighbourhood Development Plan

The site is within the Netherthong Rural Fringe Landscape Character Area of the Neighbourhood Plan.

Key landscape characteristic of the area are:

- The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- Within Netherthong and Oldfield views of the surrounding landscape are often glimpsed between buildings.
- Distinctive stone wall field boundary treatments divide the agricultural landscape.

- Public Rights of Way (PRoW), including the Holme Valley Circular Walk, cross the landscape providing links between settlements. National Cycle Route no. 68 also crosses the area.

Relevant Policies to this application within the Plan are:

- Policy 1 - Protecting and Enhancing the Landscape Character of Holme Valley
- Policy 2 - Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design
- Policy 7 – Supporting Economic Activity
- Policy 12 – Promoting Sustainability

Supplementary Planning Guidance / Documents:

6.3

- KC Highways Design Guide 2019

Other Documents

- Biodiversity Net Gain Technical Advice Note 2021
- Climate Change Guidance for Planning Applications 2021

National Planning Guidance:

6.4

- **Paragraph 11** – Presumption in favour of sustainable development
- **Chapter 2** – Achieving sustainable development
- **Chapter 12** – Achieving well-designed places
- **Chapter 13** – Green Belts
- **Chapter 14** – Planning for flood risk, climate change and coastal change
- **Chapter 15** – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

7.1 Publicity period expired 15-Sep-2022. Publicity by site notice and press advertisement in addition to neighbour letters since the proposal is deemed to be a departure from the development plan.

7.2 17 representations have been made, all in support of the proposal.

7.3 Summary of issues raised:

- It would be an asset to the local area because it would allow the arena to be used more of the time in inclement weather, when the wet ground can become slippery for ponies and the strong wind can unsettle them. It would enable greater use by people generally and also by people with special needs. It will owners to maintain their horses' fitness in the winter.

- It may benefit the local economy
- Roof will improve the visual appearance from Wood Nook Lane/Bradshaw Road, blending the enclosure in to the tree line behind and the opposite valley towards Castle Hill, and may make the stables more aesthetically appealing.
- It will cut down noise and light pollution created by riding lessons during the day and night.
- It will provide more activities for local children which is useful as there are hundreds of new houses being built in the area.

Holme Valley Parish Council – Support.

8.0 CONSULTATION RESPONSES:

8.1 **Statutory: There were no statutory consultees**

8.2 **Non-statutory:**

KC Planning Policy – Recommend refusal.

KC Landscape – Additional planting details (visualisations, planting schedule and management plan) should be submitted officers if minded to approve.

KC Highways Development Management – Response awaited

KC Ecology – No objections subject to enhancement measure (Swift box)

9.0 MAIN ISSUES

- Principle of development
- Appropriateness within the Green Belt
- Design and landscape issues
- Residential amenity
- Highway issues
- Drainage issues
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

10.1 The first consideration is that the site is located within land that is within the Green Belt in the Local Plan. Consequently, there is a presumption against development unless it falls within one of the categories listed in paragraphs 149-150 of the NPPF. One form of development that may be appropriate in principle is the provision of “appropriate facilities” (paragraph 149b), whether in connection with the existing use of land or a change of use, for outdoor sport or outdoor recreation.

- 10.2 Policy LP56 states that facilities associated with outdoor sport or recreation within the Green Belt will normally be acceptable as long as the openness of the Green Belt is preserved and that:
- The scale of the facility is no more than reasonably required;
 - It is unobtrusively located and does not introduce a prominent urban element.
- 10.3 The following policies are not intended to be applied to the Green Belt only, but generally throughout Kirklees. Policy LP47 states that healthy, safe and active lifestyles will be enabled by facilitating access to a range of high quality, well-maintained and accessible sports facilities. Policy LP50 (sport and physical activity) states that the Council will seek to protect and enhance outdoor and indoor sport facilities “where appropriate” and to increase participation in sport. This can include expanding and enhancing the range of indoor leisure facilities on offer in the district, provided that this does not conflict with other Local Plan policies.
- 10.4 In addition, the following NPPF policies are relevant here:
- Achieving well-designed places – planning decisions should aim to ensure that developments will function well, be visually attractive, be sympathetic to local character, establish and maintain a strong sense of place, optimise the potential of the site to accommodate development and create safe and accessible environments.
 - Meeting the challenges of climate change flood risk and coastal change – opportunities should be taken to reduce the causes and impacts of flooding, and prevent new and existing development from being put at unacceptable risk from, or contributing to unacceptable levels of, pollution or land instability;
 - Conserving and enhancing the natural environment – to minimise the impact on biodiversity and where possible enhance this.
- 10.5 In assessing the application, the aims of Policies LP21-22 (highway safety and parking), LP24 (design and amenity), and LP30 (biodiversity) will be taken into account.

Appropriateness within the Green Belt

- 10.6 Any development that improves access to sports facilities for people with disabilities would in principle support the aims of Policies LP47 and 50. However, any development within the Green Belt has to be assessed against the requirements of the NPPF Chapter 13 and Policy LP 56 as set out above.
- 10.7 Whilst equestrian activities and associated facilities such as stables are considered an appropriate use of land in the Green Belt, this is on the basis that riding itself is an outdoor activity. If it takes place within a building it would no longer qualify as “outdoor sport and recreation” and therefore would not be an “appropriate facility” within the meaning of the NPPF nor would it be deemed appropriate under Policy LP56. This would make it inappropriate development in the Green Belt in principle.
- 10.8 It should also be noted that the provision of spectator facilities does not fall within the definition of “appropriate facilities” for outdoor recreation.

- 10.9 The proposal could theoretically be considered as the “partial or complete redevelopment of previously developed land, whether redundant or in continuing use” as specified in paragraph 149(g) since the ménage could qualify as previously developed. This form of development is however only deemed appropriate if it would not have a greater impact on openness than the existing development. In this instance it would clearly have a much greater impact since it would involve erecting a substantial building where none exists now. As such it would be inappropriate under paragraph 149(g).
- 10.10 It would therefore only be allowed if “very special circumstances” could be demonstrated, meaning that the harm to the Green Belt by reason of inappropriateness and any other harm would have to be clearly outweighed by other considerations (NPPF paragraphs 147-148).
- 10.11 The applicant has submitted a statement which attempts to provide justification for the proposal. It makes, in brief, the following arguments.
- The range of uses of the ménage includes “ private lessons, training and children’s parties (pony parties), Saturday pony club and summer holiday camps” in addition to use by the RDA (Riding for the Disabled Association) which use the facility twice a week, and WAVES, a Slaithwaite-based organisation that offers young people, adults with learning difficulties and disabilities, opportunities to improve the quality of their lives.
 - The use of the facility is subject to good weather. High winds can scare the horses, which has an impact upon the safety of participants, and the land can become waterlogged in the winter
 - The groups using the facility often have people supporting them, such as parents carers and support staff. During the winter months there is no shelter for these spectators which reduces the attraction of the facility and reduces the number of people who may want to use the facility.
 - Kirklees College offer Equine Studies as part of their curriculum. They currently study at Hargate Hill Equestrian Centre in Glossop. This is 22 miles and nearly one hour’s drive from Huddersfield. Bradshaw Road Stables provides a far more sustainable location, being only a 5-mile drive that takes less than 20 minutes from Huddersfield. However, Kirklees College won’t use Bradshaw Road Stables as they are unable to guarantee use of the facility all year round, due to the impacts from the weather referred to above.
 - The proposed development will result in the Riding Scholl taking on an additional four full-time members of staff.
 - The height of the proposed facility will allow adequate height for show-jumping training.
 - It would look like an agricultural building by reason of its design and materials
 - The proposed development does not conflict with any of the five purposes of including land in Green Belt as set out in paragraph 138.

- 10.12 The proposed building would represent a very substantial increase in the cumulative volume and footprint of built development on site. It would be over 50% higher than the existing steel-clad building that borders the arena to the south-east and in terms of plot coverage it would exceed the footprint of all other buildings and structures presently there.
- 10.13 The visual impact of the existing buildings, although they are in open countryside, is limited because they are seen in the context of rising land to the south-west and woodland to the north-east. The proposed new building, as previously stated, would be significantly larger than any already on site and would extend the cluster of buildings northwards rather than being sited among them. The building would be clearly visible when viewed from the southern approach from Bradshaw Road at a distance of approximately 200m and the local topography would accentuate it rather than conceal it. Whilst the deciduous woodland in the background would go some way towards softening its impact, it would be seen in the context of falling land to the north. It would also be a highly visible feature when viewed from Wood Nook Lane.
- 10.14 It is therefore considered that the resultant harm to the openness of the Green Belt, (in addition to it being inappropriate in the Green Belt in principle) would be substantial.
- 10.15 The applicant has provided a list of what are purported to amount to 'very special circumstances' to clearly outweigh the inappropriateness of the development and the significant harm to the openness of the Green Belt. It is noted that it may bring some minor benefits in terms of job creation, and in reducing carbon emissions, by allowing the College to use it for their equine studies courses in preference to another facility 20 miles from the college. In principle, the enhancement of a facility in such a way as to allow it to be used in inclement weather, especially by riders with disabilities, can furthermore be viewed as a positive point since it would support the aims of the Equality Act, of Policy LP47 and 50 in encouraging greater participation in sports, and the social objective of sustainable development as set out in paragraph 8(b) of the NPPF. It should be noted however that the facilitation of horseback riding for people with disabilities is only one part of the riding school's activities. The lack of shelter for spectators cannot be given any substantial weight since if spectator shelter were deemed essential it would be possible to achieve this aim through a much smaller, low-key and temporary structure. Furthermore, it is not clear from the application documents that the applicant has explored the possibility of installing improved field drainage, which would go some way towards achieving the aims of the proposed building by preventing the land from becoming waterlogged.
- 10.16 The benefit of allowing people with disabilities or special needs to make greater use of the facility than they do now, whilst not insignificant, is still not commensurate with the level of harm to the openness of the Green Belt that would occur. This, and the other purported benefits, are not considered to carry sufficient weight to offset the need to preserve the openness of the Green Belt on a permanent basis and to which very substantial weight must be afforded.

- 10.17 The agent's claim that the proposed development does not conflict with any of the five purposes of including land in Green Belt as set out in paragraph 138 is demonstrably wrong, as the development would represent a significant encroachment into open countryside, thereby undermining the purpose of the Green Belt as set out in paragraph 138(c) of the NPPF – safeguarding the countryside from encroachment.
- 10.18 HVNP Policy 7 supports the “sustainable expansion” of existing businesses – where they are located outside the Green Belt. The same policy states that where a business-related proposal is on land within the Green Belt, it will need to be assessed for its acceptability having regard to local and national Green Belt policy. HVNDP does not therefore provide any basis for making a decision contrary to NPPF or Local Plan policy.
- 10.19 In conclusion, whilst this may be regarded as a balanced planning recommendation, it is considered that the benefits of allowing the proposal would not amount to “very special circumstances” in the sense that they would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to its openness.

Design and landscape issues

- 10.20 The existing buildings on site, whilst they are not considered to make a positive contribution to the character of the area, do not detract from it either, as they appear small and unobtrusive when viewed from a distance. The proposed building, as previously stated, would be of a much greater scale than any of the existing buildings and would appear more prominent because it would be seen in the context of falling land.
- 10.21 The elevation offers extensive views of the surrounding landscape with long distance views towards Castle Hill and Huddersfield and the valley sides afford framed views towards settlements in the valley below.
- 10.22 Some aspects of the design would make the proposed building superficially resemble an agricultural barn, and it might therefore have less of an adverse impact on the Green Belt than a stone or brick building of comparable size. In particular, the partial use of timber cladding is a positive point. But it remains officers' assessment that it would be a particular obtrusive and strident feature from near and distant viewpoints.
- 10.23 It is acknowledged that the adverse visual and landscape impacts of a building of this scale and in this location could be somewhat mitigated against using a robust and appropriate native woodland planting screen, although this would depend upon the thickness of the screen and the type of trees planted. This would not however negate the harm to the openness of the Green Belt, and would be unlikely to completely prevent any negative impact upon landscape or visual amenity.
- 10.24 It is therefore considered that the development would be harmful to local character, including landscape character, and would thereby conflict with the aims of Policy LP24a, HVNPD Policies 1-2, and paragraph 130(c) of the NPPF

Residential Amenity

- 10.25 The development would represent an enhancement of an existing business and it may result in a modest intensification of the use of the site. It is considered that this would be very unlikely to have any material impacts upon nearby residential properties by reason of increased noise, either from the use of the premises itself or from additional vehicle movements, or odours, and would thereby not conflict with the aims of Policies LP24(b) or LP52 of the Local Plan or those of NPPF Chapter 15.

Highway issues

- 10.26 The proposed development would not result in the loss of any designated parking areas, nor would it interfere with any vehicular access or circulation routes. Again, whilst it might result in a small intensification of the use of the site, it is considered unlikely that it would result in an increase in existing peak usage, and consequently considered unlikely that it would result in increased parking demand.

Drainage issues

- 10.27 The application form states that disposal of surface water will be by means of a sustainable drainage system. In the event of an approval, details of this would be conditioned.

Representations

- 10.28 Representations in support.

11.0 CONCLUSION

- 11.1 The proposed development would, for the reasons set out above, constitute inappropriate development. It would cause significant harm to the openness of the Green Belt and would undermine the purposes of including land within it. The applicant has attempted to demonstrate that “very special circumstances” exist that would outweigh the harm. These include principally social, but also economic and environmental benefits. It is considered that the benefits of allowing the proposal would not, in this case, amount to “very special circumstances” in the sense that they would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to its openness.

12.0 Reason for refusal

The proposed development would constitute inappropriate development within the Green Belt since it would be the erection of a building which does not meet any of the exceptions in paragraph 149 of the National Planning Policy Framework. It would cause significant harm to the openness of the Green Belt and would undermine the purposes of including land within it, in particular paragraph 138(c), in that it would amount to an encroachment of built development into open countryside. It is considered that the benefits of the new building would not constitute “very special circumstances” that would clearly outweigh the harm to the Green Belt by reason of inappropriateness and harm to its openness.

Background Papers:

Application and history files.

[Planning application details | Kirklees Council](#)

Certificate of Ownership – Notice served on/ or Certificate A signed:

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Nov-2022

Subject: Planning Application 2022/91849 Variation condition 21 (highways and occupation) on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) Former North Bierley Waste Water Treatment Works, Cliff Hollins Lane, Oakenshaw, BD12 7ET

APPLICANT

Tungsten Properties Ltd
and BA Pension Trustees
Ltd

DATE VALID

26-May-2022

TARGET DATE

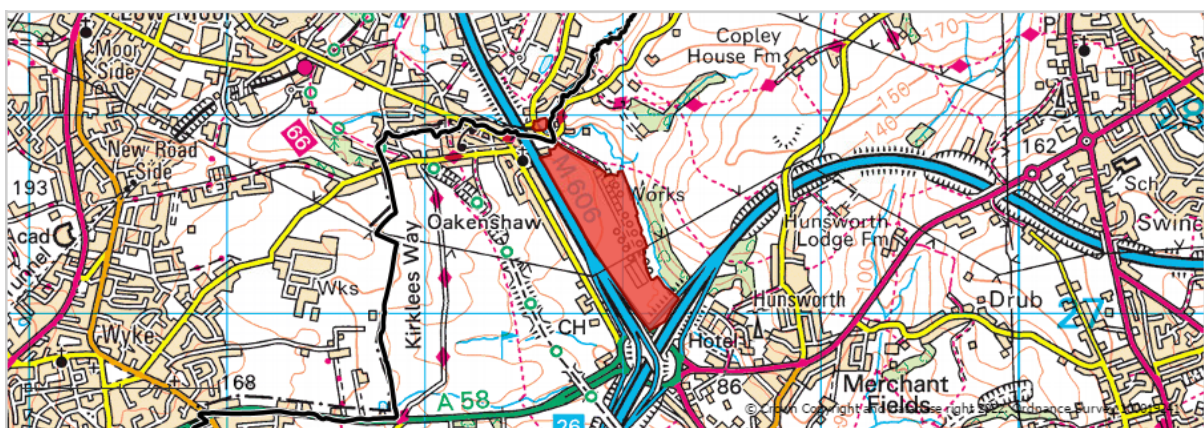
25-Aug-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Cleckheaton

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:

A deed of variation, which ties the S106 obligations from 2016/92298, the original consent, to the new S73 consent. For reference, the original contributions were:

A. All off site associated highway works approved under s278 to be completed and made operational prior to any part of the commercial development on this application site being brought into use

B. A financial contribution of £71,370 (calculated damage costs) to be used towards air quality mitigation measures within the vicinity of the site in the absence of detailed low emission projects equating to the identified damage costs or above, being submitted at reserved matters stage, and

C. £20,000 towards real time passenger information displays to two existing bus stops (reference nos. 14572 and 14567)

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers

1.0 INTRODUCTION

1.1 This application is a S73, Variation of Condition. The proposal seeks to vary condition 21 on previous permission 2016/92298, which granted outline permission for the re-development of former wastewater treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8).

1.2 The condition sought to be varied relates the timing of occupation and the delivery of highway improvement works.

- 1.3 This application is brought to the Strategic Planning Committee at the request of Local Ward Councillor Andrew Pinnock, due to concerns over cumulative highway impacts. This committee request and its reasoning have been accepted, in agreement with the Chair of Committee and in accordance with the Delegation Agreement.

2.0 SITE AND SURROUNDINGS

- 2.1 The application site extends to approximately 23 hectares incorporating the area of the former North Bierley Waste Water Treatment Works (WWTW) as well as agricultural fields. It is situated to the north-west of the M62 and to the east of the M606. The site slopes down from the north to the south with motorway embankments to the south and west. Access to the site is achieved from Cliff Hollins Lane utilising the road that previously served the WWTW. This connects onto Mill Carr Hill Road, which rises to join Bradford Road. Turning left onto Bradford Road then provides a connection to Junction 26 of the M62.
- 2.2 The surrounding area is broadly residential in character. The site is positioned between the Oakenshaw to the north and Cleckheaton to the south. The village of Oakenshaw is broadly to the north-west of the site and includes dwellings along Bradford Road, to the west of the M606. There are further residential properties to the north-east and north-west of the site along Cliff Hollins Lane (which are closest to the site) and Mill Carr Hill Road. The Woodlands C of E Primary School lies at the bottom of Mill Carr Road, close to the junction with Cliff Hollins Lane.
- 2.3 Outline planning permission for the re-development of the site to provide employment uses (Use Classes B1(c), B2 and B8)) was issued on 25 October 2018 following its approval at Strategic Planning Committee on 8 March 2018. This was subject to a non-material amendment in 2020 (2020/91436) to modify the wording of some of the conditions to reflect a phased approach to development.
- 2.4 This has been followed by several Reserved Matters applications (see planning history) and development has commenced. The ongoing development has formed several plateaus with three industrial buildings built upon them, with central access road. Parts of the former WWTW remain to the south.
- 2.5 This application relates specific to one phase / building on the site, located approximately centrally within the site. The building in question is currently known as the Tungsten Properties Ltd and BA Pension Trustees Ltd building. The principle of development for the whole site was established via outline ref. 2016/92298, with the building in question being approved by the Reserved Matters application ref. 2020/91807.

3.0 PROPOSAL

3.1 This application seeks to vary condition 21 on previous permission 2016/92298. Condition 21 is as follows:

21. No more than 17,642m² of floorspace shall be occupied and come into use until either:

a. the highways works on the Bradford Road approach to M62 Junction 26 Chain Bar, identified in Condition 20) a) are implemented and open to traffic to Kirklees Council's approval in consultation with Highways England; or

b. the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by Highways England

Reason: In the interests of highway safety for all those using the surrounding highway infrastructure to ensure either the mitigation highway works a) or b) above, are completed and implemented and to accord with Policy T10 of the Kirklees Unitary Development Plan, PLP21 of the Publication Draft Local Plan and guidance within the National Planning Policy Framework.

3.2 The applicant seeks to vary the occupation floor space limit, increasing it to 21,882sqm. This is an increase of 4,240sqm. All other aspects of the condition would remain as originally imposed.

3.3 The Tungsten Properties Ltd and BA Pension Trustees Ltd building has a floor area of 21,882sqm. The reason given for the desired change is '*To allow for the building to be occupied in advance of the completion of the sites highway works*'.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

4.1 Application Site

2016/92298: Outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – S106 Outline Approved

2020/91436: Non material amendment to previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – NMA Approved

2020/91488: Reserved matters application pursuant to outline permission 2016/92298 outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 29 (Noise attenuation) and 31 (Electric vehicle charging points) – RM Approved

2020/91807: Reserved matters application pursuant to Phase 2 of outline permission no. 2016/92298 (as amended by NMA 2020/91436) for the re-development of the former waste water treatment works following demolition of existing structures to provide employment uses (Use classes B1(c), B2 and B8) to include the discharge of Condition 6 (BEMP), Condition 9 (Lighting design strategy), Condition 17 (Site investigations), Condition 29 (Noise attenuation) and Condition 31 (Electric vehicle charging points) of 2016/92298 as they relate to Phase 2 – RM Approved

2021/90893: Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – Removal / Variation approved

2021/91901: Non material amendment to Condition 20 of previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) to enable the construction of Phase 2 – NMA Approved

2021/91932: Reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points) – RM approved

2021/94061: Reserved matters application pursuant to outline permission 2016/92298 for re-development of former wastewater treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Pending determination

2021/94208: Outline application for re-development of former wastewater treatment works, including demolition of existing structures to provide employment uses (Use Classes E(g)(ii); E(g)(iii); B2 and B8) – Pending determination

2022/91639: Non material amendment to previous permission 2021/90893 for Variation of Conditions 1, 2 and 4 on previous permission 2020/91807 for Reserved Matters Application pursuant to Phase 2 of Outline Permission 2016/92298 (as amended by NMA 2020/91436) for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (B1(C), B2 and B8) to allow for minor changes to the shape of the building to address the correct positioning of existing overhead power cables – NMA Approved

2021/94060: Variation condition 32 on previous permission 2016/92298 for outline application for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) – Pending determination (approved at committee held 14.07.2022, awaiting S106 legal agreement being resolved)

2022/92824: Non material amendment to previous permission 2021/91932 for reserved matters application pursuant to outline permission 2016/92298 for re-development of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) relating to Phase 4 - the construction of 2 x industrial warehouse units with ancillary office accommodation (approximately 6021m² and 4046m²) with parking and landscaping, including the discharge of Condition 6 (Bio-diversity Enhancement Management Plan), Condition 17 (Site Investigations), Condition 19 (Public Rights of Way), Condition 29 (Noise Attenuation) and Condition 31 (Electric Vehicle Charging Points) – Pending determination

Note: There are also numerous discharge of condition applications associated with the above applications.

4.2 Surrounding Area

Woodlands CE Primary School, Mill Carr Hill Road

21/01760/FUL: New car park for school staff, electric vehicle charging and drop-off for pupils, revised site access, improved outdoor play provision and enhanced scheme of soft landscaping (amended plans received) – Pending determination

Note: this application falls under Bradford Council

land west of M62, south of, Whitehall Road

2021/92603: Erection of storage and distribution unit (Use Class B8) with ancillary offices, car parking, servicing, landscaping and access (Revised Plans) – Pending determination

4.3 Enforcement

A Temporary Stop Notice (TSN) was served on the site on 10th July 2020. It was issued because of construction works pursuant to Phase 1 (access road) having commenced without the relevant pre-commencement conditions having been discharged. The works that had started were principally deemed to have caused harm to residential amenity because of the stockpiling of material on the boundary of the site near to residential properties. The TSN required the applicant to cease all construction works pursuant to 2016/92298, including demolition, excavation & engineering works. It took effect on 10 July 2020 and ceased to have effect on 7 August 2020. The applicant complied with the terms of the TSN.

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 Given the limited scope of the application, being focused upon condition 21, negotiations have been limited to that subject. Within this, the principal consideration is the impact the change would have upon the highway network.
- 5.2 The applicant has contended throughout that the increased floorspace limit of 4,240sqm prior to the works being implemented of would be negligible. Officers have sought clarification on aspects of the applicant's assessment, along with understanding the current position of the highway works in question and reassurance when they are expected to be delivered. This has taken place via meetings and email exchange, with the applicant, National Highways, and internal Council departments.

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019) and Supplementary Planning Guidance / Documents

- 6.2 The application site is part employment allocation (ES7) and part Green Belt in the Kirklees Local Plan (2019). When 2016/92298 was determined the relevant development plan was the Unitary Development Plan. In the UDP, the whole site was designated as Green Belt.

- 6.3 Relevant Local Plan policies are:

- **LP1** – Presumption in favour of sustainable development
- **LP2** – Place shaping
- **LP3** – Location of new development
- **LP20** – Sustainable travel
- **LP21** – Highway safety and access
- **LP22** – Parking
- **LP64** – Employment allocations

- 6.5 The following are relevant Supplementary Planning Documents or other guidance documents published by, or with, Kirklees Council;

Supplementary Planning Documents

- N/A

Guidance documents

- Planning Applications Climate Change Guidance (2021)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)

National Planning Guidance

6.6 National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) 2021, published 20th July 2021, and the Planning Practice Guidance Suite (PPGS), first launched 6th March 2014, together with Circulars, Ministerial Statements and associated technical guidance. The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving sustainable development
- **Chapter 4** – Decision-making
- **Chapter 9** – Promoting sustainable transport
- **Chapter 11** – Making effective use of land
- **Chapter 14** – Meeting the challenge of climate change, flooding and coastal change

6.7 Other relevant national guidance and documents:

- MHCLG: National Design Guide (2021)

Climate change

6.8 The Council approved Climate Emergency measures at its meeting of full Council on the 16th of January 2019, and the West Yorkshire Combined Authority has pledged that the Leeds City Region would reach net zero carbon emissions by 2038. A draft Carbon Emission Reduction Pathways Technical Report (July 2020, Element Energy), setting out how carbon reductions might be achieved, has been published by the West Yorkshire Combined Authority.

6.9 On the 12th of November 2019 the Council adopted a target for achieving ‘net zero’ carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system, and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the council would use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

7.0 PUBLIC/LOCAL RESPONSE

Public representation

7.1 The application has been advertised as a major development via site notices and through neighbour letters to properties bordering the site, along with being advertised within a local newspaper. This is in line with the Council’s adopted Statement of Community Involvement.

7.2 The end date of the period of advertisement was the 21st of July 2022. A total of two public representations were received. The following is a summary of the comments received:

- The proposal would harm the local highway network, which has seen a recent 'spate of accidents around Chain Bar'.
- Development works are taking place outside of the approved hours.
- Various conditions on the original permission have been breached, notably condition 20.
- Delivery / Construction vehicles are using Cliff Hollins Lane, which is not suitable and was not intended to be used as such.
- Disagreeing that application 2021/91901, which sought an amendment to condition 20, should have been approved as an NMA.

7.3 The site is within Cleckheaton Ward. Local ward members were notified. Cllr Andrew Pinnock expressed initial concerns and requested to be kept notified as officers undertook their assessment. Once officers concluded they were able to support the proposal, Cllr Pinnock was re-notified. He requested a committee decision due to concerns over cumulative highway impacts caused by various different developments at the site.

8.0 CONSULTATION RESPONSES

8.1 Statutory

K.C. Highways (Development Management): Have reviewed the applicant's Transport Statement, and concur that the additional traffic movements of 4,240sqm of floor space would not be substantial. However, the condition in question was requested by National Highways, and therefore defer to their assessment of the impact upon National Highways' network / assets.

K.C. Highways (S278): Have confirmed the stage which the works are at. At the time of writing the works have a detailed design approved by both K.C. Highways and National Highways. The design is being costed by the contractor, following which a bond will be calculated, paid, and the S278 agreement finalised. Following this, the works will be programmed, with an expected delivery of early 2023.

National Highways: Confirm that the required highway works are progressing through the appropriate stages of design. The detailed design has been approved and a S6 agreement (allowing contractors to work on National Highway Land) has been made.

In terms of the proposal, they are satisfied that the traffic generation caused by the occupational allowance being increased by 4,240sqm would not be severe and would be limited. Therefore, National Highways offer no objection to that proposed.

Bradford MDC: No objection.

8.2 Non-statutory

None.

9.0 MAIN ISSUES

- Scope of the application
- Variation of condition 21
- Environmental Impact Assessment
- Previous conditions
- Representations

10.0 APPRAISAL

Scope of the application

- 10.1 Section 73 of the Town and Country Planning Act 1990 concerns the 'determination of applications to develop land without compliance with conditions previously attached'. One of the uses of a Section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.
- 10.2 Planning Practice Guidance on the use of planning conditions clarifies that in deciding an application under Section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application. The application is not a complete re-consideration of the application. As such, there is no requirement to re-consider the principle of development nor technical matters such as ecology or drainage.
- 10.3 This application is therefore restricted to a consideration of the proposed variation to condition 21, and its potential impacts.
- 10.4 Section 73 applications should be considered against the development plan and material considerations, under Section 38(6) of the 2004 Act, and conditions attached to the existing permission. The guidance states that local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.
- 10.5 Regarding national policies, the NPPF has been revised since the determination of 2016/92298. Nonetheless, the revisions are not considered to have any impact. For local policy, 2016/92298 was determined under the Unitary Development Plan although the Local Plan (then the Draft Publication Draft Local Plan) was given material weight. The Local Plan allocated part of the site as an Employment Allocation, with the rest remaining as Green Belt. Officers are satisfied that the changes between the UDP and Local Plan do not affect the principle of development on this site. In terms of other material considerations, the subsequent reserved matters on the site to detail the phased development is noted. This does not however affect how this assessment would be assessed. There are deemed no other material changes in the area that could affect the proposal.

Variation of Condition 21

- 10.6 Condition 21 limits the amount of floorspace which may be occupied prior to specified highway improvements being implemented. The reason for this condition was to ensure the improvements are place prior to the traffic of the development reaching a specific level of traffic generation that may cause harm to highway assets – in this case the outbound (southbound) junction of Bradford Road and Chain Bar / J26 roundabout.

- 10.7 The relevant highway improvement works in question is one of either:
- a. works on the Bradford Road approach to M62 Junction 26 Chain Bar, providing an improved alignment to the junction, changes to signage, and a third lane for direct access to the M606, or
 - b. the improvement scheme to remove M62 westbound to M606 northbound traffic from the M62 Junction 26 Chain Bar roundabout circulatory carriageway is implemented by Highways England; effectively a flyover connecting M62 westbound traffic onto the M606, cutting out the necessary use of Chain Bar roundabout.
- 10.8 Each of these were intended to improve the flow and capacity of the roundabout. Option b. is not being progressed, following a change in intended programming by National Highways (formally Highways England), due to changes in the priority of the scheme. Therefore, the applicant has been working with K.C. Highways and National Highways on developing Option a.
- 10.9 Allowing an additional 4,240sqm of floor space to be occupied, assuming a B2 use with its highest traffic rate of the consented uses, would equate to an increase of 26 and 21 two-way vehicle movements in the AM and PM weekday peak periods respectively. However, based on traffic modelling it is accepted that approximately 74% of traffic would be distributed through the Bradford Road arm of M62 Junction 26, reducing the AM and PM peaks to 20 and 15 two-way movements respectively. This is detailed in full within Table 1.

Table 1: Consented and proposed vehicle movements via Chain Bar prior to improvement works being implemented.

	AM (0800 – 0900)			PM (1700 – 1800)		
	Arrivals	Departures	Two Way	Arrivals	Departures	Two Way
Consented 17,642sqm	68	13	81	7	57	64
Proposed 21,882sqm	85	16	101	9	70	79
Difference	+17	+3	+20	+2	+13	+15

- 10.10 The applicant contends that the principal consideration should be the outbound (departure) movements (i.e., movements from Bradford Road onto the roundabout), as the improvement works in question are to the outbound carriageway only. Looking at outbound traffic, this equates to only 3 and 13 additional movements in AM and PM peaks trips respectively. Taking the higher evening peak hour traffic flow, this would be an additional departure every four minutes and thirty-seven seconds if averaged over the hour.

- 10.11 K.C. Highways and National Highways consider it more appropriate to consider the two-way movements, to more robustly consider the impact upon Chain Bar Roundabout. Nonetheless, if looking at the higher AM peak two-way movement increase of 20, this still equates to only an increase of one vehicle every three minutes, spread across two directions and four lanes.
- 10.12 The impact of one additional vehicle, on average, every three minutes at this junction is not considered to be severe by either K.C. Highways or National Highways, who initially requested the condition in question. While due regard must be given to cumulative impacts, overall, the associated traffic is expected to be imperceptible; neither K.C. Highways nor National Highways object to the proposal.
- 10.13 Regarding the justification for the desired change, the applicant has a tenant seeking to occupy the entirety of the 21,882sqm Tungsten Properties Ltd and BA Pension Trustees Ltd building. The original intended occupation date has been stalled for several months, due to delays in the highways improvement works being designed and implemented. Thus, the current application, seeking the change in occupation limit. The potential for the tenant to take partial occupation has been raised, but would be unfeasible due to legal and operational constraints.
- 10.14 For information on the position of the improvement works, the detailed design works for Option a. have been completed, having received support from K.C. Highways and National Highways. The works will be undertaken by contractors, who are at the time of writing costing the scheme. Based on the costing a bond will be calculated, paid, and the S278 (works in the highway) agreement completed. The legal agreement for works on National Highway land (S6) has been completed. Following the S278 being formally approved, the works will be programmed for delivery (currently expected to be commenced early 2023).
- 10.15 It is reiterated that the 4,240sqm in question is not 'additional' floorspace, but approved floor space that falls within the original approved maximum of 35,284m² (which is to be increased to 41,191sqm by application 2021/94060 (approved at committee, decision pending S106 agreement). This application pertains to when said floorspace may be occupied. The NPPF, paragraph 111, 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 proposal has been reviewed by both K.C. Highways and National Highways (who requested the condition in question). Both are satisfied that the identified level of traffic associated with the 4,240sqm of floor space (effectively one vehicle movement per three minutes) would not be severe, nor would the residual cumulative impacts on the network be severe.

- 10.16 Considering the above, officers are satisfied that the proposal would not cause harm, nor effect the efficient and effective operation of, the highway network. The proposal is deemed to comply with the aims and objectives of LP21 of the Kirklees Local Plan.

Previous conditions

- 10.17 As this is an application under S73 of TCPA 1990 it will in effect be a new permission. The Planning Practise Guidance confirms that for the purpose of clarity, decision notices for the grant of planning permission under section 73 should set out all of the conditions imposed on the new permission, and restate the conditions imposed on earlier permissions that continue to have effect.
- 10.18 Application 2016/92298 was granted with 32 conditions. These are summarised below:
1. Reserved matters to be submitted prior to commencement
 2. Reserved matters to be submitted to the LPA and carried out per plans
 3. Reserved matters time limit for submission
 4. Reserved matters time limit to commence
 5. Phasing plan to be submitted
 6. Biodiversity Enhancement and Management Plan to be submitted
 7. Construction Ecology Management Plan to be submitted
 8. Construction Environment Management Plan to be submitted
 9. Lighting Design Strategy for Biodiversity to be submitted
 10. Sewer easement
 11. Access to Moorend combined sewer overflow and syphon sewer details
 12. Separate foul and surface water required
 13. Drainage details to be submitted
 14. Outfall details to be provided
 15. Development done in accordance with Flood Risk Assessment
 16. Coal working site investigations
 17. Layout and landscape RMs to include consideration of coal working investigations
 18. Layout and landscape RMs to include Arboricultural Survey and Method Statements
 19. Layout and landscape RMs to include treatment of PROW on site
 20. Limiting floorspace constructed to 17,642m² until given highway works are approved or Highway England works undertaken
 21. Limiting floorspace occupied to 17,642m² until given highway works implemented (as approved by condition 20) or Highway England works undertaken
 22. Development restricted to the areas shown on plateau plan
 23. Reserved Matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
 24. Reserved Matters to include surface water disposal strategy
 25. Before occupation, SUDS features management, maintenance, and adoption to be submitted
 26. Temporary surface water details to be provided
 27. Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
 28. Fixed mechanical services and plan to be noise controlled.
 29. Layout and landscape RMs to include noise attenuation
 30. Unexpected contamination procedure
 31. Layout and landscape RMs to include low emission and charging point details
 32. Limitation on B2 and total floor space (to be varied).

- 10.19 Condition 21 is sought to be varied, as considered previously. The wording would be amended as proposed.
- 10.20 All other conditions remain pertinent and are to be kept. As several have been previously discharged (or partly discharged), a note relating to the previously submitted information remaining relevant is recommended for consistency.
- 10.21 Application 2016/92298 was granted subject to a S106 agreement. Therefore, a S106 Deed of Variation is recommended to be secured. This will simply secure the same contributions to this application, as secured as part of 2016/92298.

Environmental Impact Assessment

- 10.22 The previous application was submitted with an Environmental Impact Assessment. Given the scope of this S73 application, relating to a change in a trigger for works only, no further EIA information was deemed necessary.

Representations

- The proposal would harm the local highway network, which has seen a recent 'spate of accidents around Chain Bar'.

Response: As noted within this assessment, the traffic generation associated with the change in trigger by 4,240sqm is considered minimal, and will not materially affect highway safety. This has been considered and supported by K.C. Highways and National Highways.

- Development works are taking place outside of the approved hours.
- Various conditions on the original permission have been breached, notably condition 20.
- Delivery / Construction vehicles are using Cliff Hollins Lane, which is not suitable and was not intended to be used as such.

Response: These comments do not form material planning consideration for this application. The site is being monitored by K.C. Planning Compliance.

- Disagreeing that application 2021/91901, which sought an amendment to condition 20, should have been approved as an NMA.

Response: This does not form a material consideration for this application. Officers' assessment on 2021/91901, including the reasoning for finding the works to be a non-material amendment, is contained within that application's dedicated officer report.

11.0 CONCLUSION

- 11.1 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

- 11.2 As a S73 application the principal consideration is the planning implications of the sought variation. In summary, the change of the trigger points for the highway improvement works detailed in this report, through allowing an additional 4,240sqm of floor space to be occupied, with no result in material harm to the local highway network. In effect, it equates to only an increase of one vehicle every three minutes, spread across two directions and four lanes, which will have a negligible impact, nor will the impact be severe, either in isolation or cumulative with other works. Neither K.C. Highways nor National Highways raise concerns over this impact.
- 11.3 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval, subject to conditions and deed of variation to be secured via a Section 106 agreement.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

Note: Conditions 1 – 20 and 22 – 32 are to be repeated as per 2016/92298. Condition 21 is to be varied as outlined in this report.

1. Reserved matters to be submitted prior to commencement
2. Reserved matters to be submitted to the LPA and carried out per plans
3. Reserved matters time limit for submission
4. Reserved matters time limit to commence
5. Phasing plan to be submitted
6. Biodiversity Enhancement and Management Plan to be submitted
7. Construction Ecology Management Plan to be submitted
8. Construction Environment Management Plan to be submitted
9. Lighting Design Strategy for Biodiversity to be submitted
10. Sewer easement
11. Access to Moorend combined sewer overflow and syphon sewer details
12. Separate foul and surface water required
13. Drainage details to be submitted
14. Outfall details to be provided
15. Development done in accordance with Flood Risk Assessment
16. Coal working site investigations
17. Layout and landscape RMs to include consideration of coal working investigations
18. Layout and landscape RMs to include Arboricultural Survey and Method Statements
19. Layout and landscape RMs to include treatment of PROW on site
20. Limiting floorspace constructed to 17,642m² until given highway works are approved or Highway England works undertaken
21. Limiting floorspace occupied to 17,642m² until given highway works implemented (as approved by condition 20) or Highway England works undertaken **(To be varied)**
22. Development restricted to the areas shown on plateau plan
23. Reserved Matters shall include a 'Residual Uncertainty Assessment' in relation to flood risk
24. Reserved Matters to include surface water disposal strategy

25. Before occupation, SUDS features management, maintenance, and adoption to be submitted
26. Temporary surface water details to be provided
27. Prior to occupation, confirmation of highway works to be provided (improvements to Mill Carr Hill Road and Cliff Hollins Lane)
28. Fixed mechanical services and plan to be noise controlled.
29. Layout and landscape RMs to include noise attenuation
30. Unexpected contamination procedure
31. Layout and landscape RMs to include low emission and charging point details
32. Limitation on B2 and total floor space

Note: Pertaining to the previously approved discharge of conditions associated with 2016/92298.

Background Papers

Application and history files

Available at:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2f91849>

[Link to application details](#)

Certificate of Ownership

Certificate A signed.

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Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Nov-2022

Subject: Planning Application 2022/92308 Temporary siting of Dewsbury market Foundry Street/Market Place/Longcauseway/Town Hall Way, Dewsbury, WF12 8EN

APPLICANT

Peter Gladstone, Kirklees
Council, Capital
Development

DATE VALID

08-Jul-2022

TARGET DATE

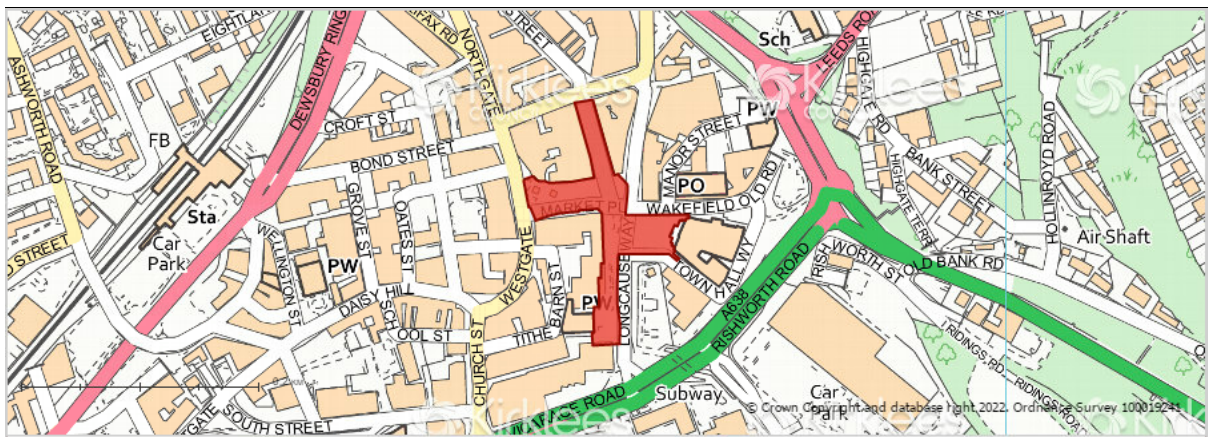
02-Sep-2022

EXTENSION EXPIRY DATE

Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury East

Ward Councillors consulted: No

Public or private: Public

RECOMMENDATION:

APPROVE

DELEGATE approval of the application and the issuing of the decision notice to the Head of Development and Master Planning in order to complete the list of conditions including those contained within this report

1.0 INTRODUCTION

1.1 The application has been brought before the Strategic Planning Committee due to the size of the site exceeding 0.5ha.

2.0 SITE AND SURROUNDINGS

2.1 This application relates to a plot of land in Dewsbury Town Centre, comprising Longcauseway, Crackenedge Lane, Market Place, Wakefield Old Road, Town Hall Way and the piazza the front of Dewsbury Town Hall. The land is predominantly hardstanding, which serves both adopted, and unadopted, highways and the associated footways. The boundary of the site is lined with primary shopping frontages which consist of two-storey and three-storey properties of a variety of designs. Dewsbury Town Hall also fronts the site which shapes the historic centre of Dewsbury.

2.2 The application site is located within Dewsbury Town Centre Conservation Area and hosts one Grade II Listed telephone box. It is surrounded by multiple Grade II Listed properties of a variety of designs, ages and sizes. The application site is partially located within the Primary Shopping Area and is due south of the existing Dewsbury Market Place. The property is located within a zone 2 flood zone.

3.0 PROPOSAL

3.1 Planning permission is sought for the temporary re-location of Dewsbury market.

3.2 The proposal would include the relocation of market traders to four interconnected areas: Foundry Street (between Corporation Street and Market Place), Market Place, the western footpath of Longcauseway (in front of the Prince of Wales precinct), and the forecourt of the Town Hall, extending to half the width of Town Hall Way. The proposal is to allow market trading to continue during construction works at the existing Market Place.

- 3.3 The temporary marketplace will accommodate 52 container structures and 44 day stalls. This application relates only to the containers as the day stalls would be erected under permitted development. The proposed containers would be 6.06m(w) x 2.44m(d) x 2.59m(h) and would be located across the four areas highlighted above. Two further containers of the same dimensions, used for storage and a Waste Compound are also proposed within the site. The proposed 53 containers would cover a total of 783.87m².
- 3.4 The proposed containers would be constructed in steel with corrugated wall panels. The containers would have two large openings in the front elevation with roller shutter doors and a locking personnel door to the side. They would be finished in 'claret red' (RAL 4004), 'blue lilac' (RAL 4005) and 'bright red orange' (RAL 2008), with the canopies and shutters in black. There would be artwork, commissioned by local artists, on the backs and sides of the containers.
- 3.5 The scheme would include the removal of existing street furniture, including bollards, planter beds and metal railings, which would all be reinstated once the temporary period had ended.
- 3.6 The application seeks approval for the siting of the temporary market for a period of three years.

4.0 RELEVANT PLANNING HISTORY

- 4.1 No relevant planning history at the site.
- 4.2 At nearby Dewsbury Market:
2021/93368 – Redevelopment of market with addition of mezzanine floor – Approved.

5.0 HISTORY OF NEGOTIATIONS/AMENDMENTS RECEIVED

- 5.1 Officers have engaged with the applicant and agent throughout the application, from the pre-application stage to post submission. Officers have entered into discussions regarding all matters, however notable topics of discussion were flooding, crime and design. The agent also revised the site plan following objections made by a stakeholder. No amendments have been sought directly but additional information relating to the forementioned topics has been submitted. Furthermore, the applicant revised the site plan to address amenity and land ownership concerns that were raised during the public consultation period.

6.0 POLICY

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 6.2 The site is set within the allocated within the Dewsbury Principal Town Centre and set within the Dewsbury Town Centre Conservation Area

6.3 Kirklees Local Plan (KLP):

- **LP 1** – Achieving Sustainable Development
- **LP 2** – Place Shaping
- **LP 7** – Efficient and Effective Use of Land and Buildings
- **LP 13** – Town Centre Uses
- **LP 14** – Shopping Frontages
- **LP 18** – Dewsbury Town Centre
- **LP 20** – Sustainable Travel
- **LP 21** – Highway Safety
- **LP 24** – Design
- **LP 27** – Flood Risk
- **LP 28** – Drainage
- **LP 30** – Biodiversity and Geodiversity
- **LP 33** – Trees
- **LP 35** – Historic Environment
- **LP 51** – Protection and Improvement of Local Air Quality
- **LP 52** – Protection and Improvement of Environmental Quality

6.4 National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published 20th July 2021, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- **Chapter 2** – Achieving Sustainable Development
- **Chapter 4** – Decision-Making
- **Chapter 7** – Ensuring the Vitality of Town Centres
- **Chapter 8** – Promoting Health and Safe Communities
- **Chapter 9** – Promoting Sustainable Transport
- **Chapter 11** – Making Efficient Use of Land
- **Chapter 12** – Achieving Well-Designed Places
- **Chapter 14** – Meeting the Challenge of Climate Change, Coastal Change and Flooding
- **Chapter 15** – Conserving and Enhancing the Natural Environment
- **Chapter 16** – Conserving and Enhancing the Historic Environment

6.5 Other Material Considerations:

- Kirklees Highways Design Guide SPD (2019).
- Waste Management Design Guide for New Developments (Version 5, October 2020).
- Kirklees Biodiversity Net Gain Technical Advice Note (2021).

7.0 PUBLIC / LOCAL RESPONSE

7.1 This application was advertised via neighbour notification letter, site notice and in the press as the application would affect the setting of a Listed Building and is within a Conservation Area.

7.2 Final publicity expired on the 2nd September 2022. 2 representations were received in response to the above publicity which commented on the initial proposal under this application. The full comments are available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Nowhere for customers to sit and eat purchased food
- The containers would 'corral' the band stand preventing its use
- The application appears to be for 18 months and is likely to overrun and therefore what contingency plans are in place
- No details on the gazebo but appears to be small
- The market stall would encroach on the access to Longcauseway Church which is within the ownership of the church

8.0 CONSULTATION RESPONSES

8.1 Below is a brief summary of the consultation responses received. These comments will be discussed in further detail where relevant later on in the assessment.

8.2 Statutory Consultees:

The Environment Agency: No objections subject to conditions.

Yorkshire Water: No objections subject to conditions.

8.3 Non-Statutory Consultees:

KC Conservation and Design: No objections.

KC Trees: No objections.

KC Waste Strategy: Raised concerns regarding waste storage and presentation and refuse collection vehicle access.

KC Crime Prevention: Raised concerns regarding external lighting, security measures, cycle and motorcycle parking/storage and CCTV.

KC Lead Local Flood Authority: No objections.

KC Environment Health: No objections.

KC Highways Development Management: Raised concerns regarding access for larger vehicles.

KC Policy: (informal) No objections

9.0 MAIN ISSUES

- Principle of Development
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Crime and Security
- Waste
- Trees and Ecology
- Climate Change
- Representations

10.0 APPRAISAL

Principal of Development

Town Centre Location and Retail Use

- 10.1 Local Plan Policy LP13 sets out a hierarchy of centres with Dewsbury being defined as a Principal Town Centre. It's role and function are to:
- Provide for the shopping needs (particularly for non-food goods) of residents across Kirklees.
 - Be the main focus in Kirklees for the provision of financial and professional services, offices, entertainment, sport, leisure, arts, cultural and tourism facilities, further and higher education; and health services.
- 10.2 The temporary market is located partly within the Dewsbury Primary Shopping Area. Whilst it does not form part of the primary shopping frontage, it is set directly in front of it, thus, Policy LP14 of the Local Plan (Shopping Frontages) is relevant. Primary shopping areas are where retail and other main town centre uses are focused. The policy states that 'uses within Primary Shopping Areas will be expected to maintain or provide active ground floor uses. Retail uses within the above areas will be supported'. The market stalls/containers will provide a retail use within the Primary Shopping Area and adjacent to the primary shopping frontage and therefore accords with Local Plan Policy LP14.
- 10.3 Policy LP18 of the Kirklees Local Plan states that Dewsbury Town Centre will be a place of vibrancy, vitality and diversity and the town centre will form the focus for retail provision for the north of the district, supported by other main town centre uses. Paragraph 9.48 goes on to say that Dewsbury Market plays a key role in the operation and attraction of the town centre by providing both indoor and outdoor markets, drawing a significant number of people into the town centre on market days. Strengthening the market and its connections is important in broadening the offer of uses provided in the centre. The temporary relocation of the market to the proposed site will allow for the renovation and improvement to the permanent market building which is integral to achieving the aims of Local Plan Policy LP18. The temporary relocation will also help support the vitality and viability of the town centre as a whole, through temporarily redistricting footfall to other parts of the town centre and increasing linked shopping trips. the attractiveness of the market and the potential of increasing linked shopping trips.

- 10.4 The proposal is also consistent with the Dewsbury Town Centre SDF and Dewsbury Blueprint, which both recognise the importance of the market to the town centre and the need to drive greater footfall. The proposal to temporarily relocate the market would support the market offer through allowing the redevelopment of the permanent building which in turn supports the overarching ambitions for the town centre.
- 10.5 The principle of development is further supported by chapter 7 of the NPPF, which states that planning decisions ‘should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation’. It also states that ‘planning policies should retain and enhance existing markets’, which demonstrates a commitment to existing markets at national level.

Urban Design and Heritage

- 10.6 The application site occupies streets set within the Dewsbury Town Centre Conservation Area. The site is to the eastern side of Conservation Area and forms an important heritage function by virtue of it forming a prominent side and busy entry point in the Conservation Area. Furthermore, the site is set close to fourteen listed buildings or structure, which are all grade II listed.
- 10.7 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 establishes that “in considering whether to grant planning permission which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”
- 10.8 Section 72(1) of the Act states “with respect to any buildings or other land in a conservation area...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”
- 10.9 Policy LP35 of the Local Plan requires development proposals to preserve or enhance the significance of heritage assets and elements which contribute to the distinct identity of Kirklees. Chapter 16 of the NPPF seeks to conserve and enhance the historic environment.
- 10.10 Policy LP24 of the Local Plan states that good design should be at the core of all proposals, and this should be promoted by ensuring that the form, scale, layout and details of all development respects and enhances the character of the area. This also includes re-using existing buildings where possible, offering flexibility to meet changing requirements, minimising the risk of crime, providing landscaping and tree planting and providing public art where possible. Guidance within Chapter 12 of the NPPF also seeks to achieve well-designed places.
- 10.11 In the case of this application, the container would extend around quite a large part of the conservation area and will clearly harm the setting of several listed buildings including the town hall. However, this would be for a temporary period, and it is important to consider the wider benefits of the proposed scheme. The proposed development is designed to support the existing market traders during a period of closure for the permanent market building. Retaining the economic viability of the town centre is a clear public benefit which outweighs the harm, which is only temporary anyhow and therefore limited. Furthermore, the containers are to be painted brightly and feature

artwork on. This offers a visual interest and will provide a more modern finish, lessening the harm whilst offering some character to the development which is suitable in relation to Local Plan Policies LP24 and LP35.

- 10.12 KC Conservation and Design accepts that temporary relocation of the market is necessary and agree with officers regarding the public benefit outweighing the temporary harm.
- 10.13 Subject to conditioning the scheme to be temporary, the scheme is said to accord with Local Plan Policies LP24 and LP35 and Chapter 12 and 16 of the NPPF with regard to urban design and heritage.

Principle of Development and Design Conclusion

- 10.14 The application has been assessed within the wider context of the aims of Dewsbury Town Centre. The application will allow for existing traders to continue operating in a part of town where footfall is at its highest and retail is appropriate, whilst the permanent home of Dewsbury Market goes through an economic, strategical and visually important redevelopment. Whilst officers accept there will some harm, albeit said harm is limited and temporary with regard to the impact on the Conservation Area and adjacent Listed Buildings. This harm is considered to be outweighed the clear and significant public benefit the scheme has for Dewsbury Town Centre. For this reason, the principle of development is considered acceptable.
- 10.15 In terms of timeframe, it is precited the refurbishment of the permanent Market area would take approximately 18 months from the date of commencement; however, officers must be reasonable when granting the period of time. It is logical and reasonable to expect the redevelopment of the market to experience difficulties that may result in delays. For this reason, officers are recommending the granting of the temporary permission for 3 years from the date the site comes in to use.

Impact on Residential Amenity

- 10.16 There are residential uses, albeit sporadic, within the immediate vicinity of the site. Local Plan Policy LP24 states that 'Proposal should promote good design by ensuring: ... b.) they provide a high standard of amenity for future and neighbouring occupiers.' Chapter 12 of the NPPF supports this.
- 10.17 The application is supported by a management plan, which amongst other matters, breaks down the proposed 0700-1900 operating hours as follows:
- 07:00 - 10:00 - servicing and setting up;
 - 10:00 - 16:00 - Market trading;
 - 16:00 - 18:00 - servicing and packing away;
 - 16:00 - 19:00 - cleaning and maintenance.
- At present, the market opens 0600-1900, with the hall open on Wednesdays, Fridays and Saturdays with a select number of traders open on Mondays, Tuesdays, Thursdays and Sundays.

- 10.18 The dwellings located close by to the application site are all flats set on upper floors within the town centre. Given the town centre location of the proposed site, amenity of the nearby dwellings is already impacted upon by the existing commercial activity. The proposed development provides additional commercial and retails activity in the town centre where existing uses of this nature already caused some harm. The proposed market is not likely to cause any new forms of 'harm' not already akin to the town centre location. Therefore, the development, subject to a condition relating to opening hours consider that the scheme would not materially harm the amenity of any dwellings.
- 10.19 For reference KC Environmental Health were consulted as part of this application and raised no concerns whatsoever with regard to noise, odours or disturbance to any noise sensitive uses (which includes dwellings).
- 10.20 For the reasons set out above, the scheme is considered to accord with Local Plan Policy LP24 and Chapter 12 of the NPPF with regard to Residential Amenity.

Impact on Highway Safety

- 10.21 The site is within a highly sustainable location within the heart of the town centre and is well served by public transport links. Notwithstanding this the full highway impact must be assessed. In this case, the application is supported by a Transport Statement (TS) prepared by SK Transport Planning Ltd.
- 10.22 The proposal will locate temporary market stall facilities on the above streets. The temporary stall facilities will be made up of a mix of container stalls with opening canopies and day stalls of a gazebo type. Container stalls will remain in place for the duration of the temporary market. Day stalls will be erected only during the hours during which vehicle access is not permitted within the pedestrian zone (10am – 4pm). The stalls will be in footway areas and partly within carriageway areas of the roads. The stalls will inevitably represent an obstruction within the highway but are arranged in a manner that will retain a suitable level of access for users.
- 10.23 Furthermore, swept path analysis has been undertaken for relevant vehicle types to test the space provision. The swept path analysis confirms that sufficient highway is available so as to allow free passage without causing a major inconvenience to users of the highway which accords with Local Plan Policy LP21. However, the swept paths for a 16.5 metre articulated HGV had not been provided. These details have since been provided and are being considered by KC Highways Development Management. If these details are not considered acceptable, it shall be conditioned that these issues are addressed before the development is bought in to use.
- 10.24 The application is unclear as to where new posts / columns in the highway or if any modifications to the existing carriageway layout shall be carried out, however given the necessary terrorism prevention measures required and to meet highway safety guidance it is anticipated these will be required. Therefore, it shall be conditioned that details of any modifications to the highway, including pavements are submitted to and approved by the LPA prior to the commencement of development.

10.25 Subject to forementioned conditions, Officers, in accordance with KC Highways Development Management, KC Highway Safety and KC Highway Structures considered that the proposed development accords with Local Plan Policy LP21, Chapter 9 of the NPPF and the Highways Design Guide SPD.

Flood Risk and Drainage

- 10.26 The application site lies within both Flood Zones 2 and 3, with a medium / high probability of flooding from rivers. The application is for retail use, which is considered to be a 'less vulnerable' land use. It is therefore necessary for the application to pass the Sequential Test and to be supported by a site specific flood risk assessment (FRA).
- 10.27 The application has suitably demonstrated that there are no suitable locations for the proposed development outside of Flood Zones 2 or 3, a matter to which officers agree. Furthermore, the submitted FRA demonstrates that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere. Considered that the temporary nature of this development, up to 3 years, when measured against flood risk representing 1 in 100-year events, analysis of the main river flood does not need to consider climate change as a result and Officers consider that the overall risk of flooding is low.
- 10.28 The proposed position of the market stalls would not impact on the public sewerage infrastructure crossing the site whilst the surface water runoff will flow to the existing points of connection, with no increase of impermeable area of the site. No additional drainage for surface water or foul waste is required given that no new impermeable surfacing or toilets are proposed. It is noted the existing public toilets located to the south of Longcauseway Church will be re-opened to serve the development.
- 10.29 The stance above aligns with the consultation responses provided by KC Lead Local Flood Authority, The Environment Agency and Yorkshire Water who raised no objections to the scheme. Given the forementioned reasons, officers consider the scheme accords with Kirklees Local Plan Policies LP27 and LP28 and Chapter 14 of the NPPF with regard to Flood Risk and Drainage. Notwithstanding the above, as the site is set within Flood Zones 2 and 3, conditions are required for the development shall be carried out in accordance with the submitted flood risk assessment, notably in accordance with the details therein relating to the finished floor levels, flood resilience mitigation measures and ensuring the containers will be located a minimum 3 metres from the culvert.

Crime and Security

- 10.30 Paragraph 130 of the NPPF states that planning decisions should ensure that developments: f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Local Plan Policy LP24 supports the above statement and states proposal shall ensure 'the risk of crime is minimised by enhanced security, and the promotion of well – defined routes, overlooked streets and places, high levels of activity and well –designed security features.'

- 10.31 Officers seek details via condition concerning security of the temporary structures and the site in general. Subject to these conditions the scheme is considered to accord with paragraph 130 of the NPPF and Local Plan Policy LP24 with regard to crime prevention.

Waste

- 10.33 Local Plan Policy LP24 d vi states that proposal will seek good design by 'incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste.' The submitted information is very unclear on both bin storage areas and the quantity of bins. The proposal includes the provision of a portable cardboard waste compactor which is welcomed. However, details for the bin storage areas, including details to demonstrate sufficient bins are to be provided and stored off the 'highway' in specifically designed, suitable secured bin stores shall be conditioned. Subject to said condition, the scheme accords with Local Plan Policy LP24 d vi.

Trees and Ecology

- 10.34 The trees on Longcauseway are newly planted trees, circa 2020, with small developing canopies. The proposals have worked around the street trees, and all are shown to be retained. The trees are tall enough that the proposed stalls and containers would fit underneath the canopies or in the case of the recently planted trees the canopies are small enough that they would not suffer any harm. As such there is no material harm with regard to Trees or Ecology, thus according with Local Plan Policies LP30 and LP33 and Chapter 15 of the NPPF.

Climate change

- 10.35 On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target; however, it includes a series of policies which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.
- 10.36 The site is within a highly accessible location and this proposal is part of a longer-term regeneration scheme that will involve the renewal of existing buildings. Using containers for the temporary structures allows future re-use when the permission lapses and the use ceases. The site's accessibility means a significant proportion of staff and visitors will be able to travel to and from the development using sustainable modes of transport. The proposal includes no new landscaping and utilises existing cycle storage facilities which would help to mitigate the impact on climate change. As such, it is considered to be a sustainable form of development.

Representations

10.37 2 representations were received in response to the above publicity which commented on the initial proposal under this application. The full comments are available to view on the Council's Planning Webpage, but a summary of the concerns raised is provided below:

- Nowhere for customers to sit and eat purchased food

Response: Noted, there are existing benches and public space through the town centre which could be used.

- The containers would 'corral' the band stand preventing its use

Response: Noted and considered within the context of this application.

- The application appears to be for 18 months and is likely to overrun and therefore what contingency plans are in place

Response: Noted, officers are seeking to grant permission for three year in case delays arise, however if the use was required for in excess of three years, then the applicant would have to seek to re-new the permission.

- No details on the gazebo but appears to be small.

Response: Noted.

- The market stall would encroach on the access to Longcauseway Church which is within the ownership of the church

Response: Noted and Site Plan rev B received on 26/09 addressed this matter.

11.0 CONCLUSION

11.1 The proposed temporary relocation would allow for the already approved redevelopment of Dewsbury Market, thus strengthening a key asset for the town and help to support the vitality of the wider town centre. The temporary location would allow for existing traders to remain in business during the transition period as well as market offer enhancing the existing town centre offering which would encourage footfall, linked trips and dwell-time within the centre which would benefit the economy and vibrancy of Dewsbury.

11.2 The temporary nature of the development would limit any harm to the Conservation Area or adjacent Listed Buildings whilst the bright paint and art on the containers offers a visual interest and provide a more modern finish whilst offering some character to the development.

11.3 The proposal would not result in any significant harm to highway safety and the development can be controlled so as to ensure that the amenity of nearby residential occupiers is not unduly prejudiced.

11.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

11.5 This application has been assessed against relevant policies in the development plan and other material considerations. It is considered that the development would constitute sustainable development and is therefore recommended for approval.

12.0 CONDITIONS (Summary list. Full wording of conditions including any amendments/additions to be delegated to the Head of Planning and Development)

Below is a summary of the proposed conditions:

1. In accordance with the approved plans.
2. Development to begin within 3 years.
3. Pre commencement condition for the submission of hostile vehicle mitigation measures.
4. Hours of operation between 07:00 until 19:00.
5. Temporary permission for 3 years, beginning from when the LPA are notified in writing.
6. Site to be reinstated as before development within 6 months from the use ceasing.
7. The development shall be carried out in accordance with the submitted flood risk assessment.
8. Details of the shutters and locks to secure the containers to be provided.
9. Details of the fencing to secure the rear of containers 23-26 and 31-35 to be provided.
10. Submission of waste management plan, including details of the bin storage.
11. Details of any modifications to the highway, including pavements to be submitted.

BACKGROUND PAPERS:

Application file: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2022%2F92308>

[Link to application details](#)

Redevelopment of Dewsbury Market application file (2021/93368):
<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2F93368>

Certificate B signed: 07/07/2022

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