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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 17-Nov-2020**

**Subject: 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/D2 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**

**APPLICANT**

C C Projects

**DATE VALID**

21-Jul-2020

**TARGET DATE**

20-Oct-2020

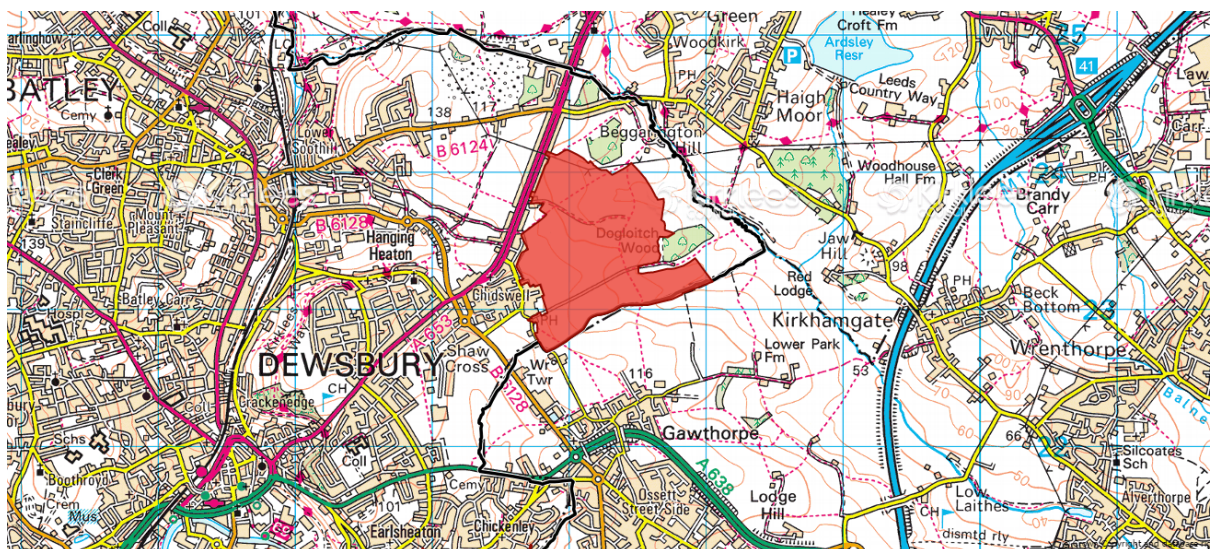
**EXTENSION EXPIRY DATE**

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

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/public-speaking-committee.pdf>

**LOCATION PLANS**





**Maps not to scale – for identification purposes only**

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**Electoral wards affected: Batley East and Dewsbury East**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION**

Members to note the contents of this report for information.

### **1.0 INTRODUCTION**

- 1.1 These applications are presented to the Strategic Planning Committee as the proposals are for a major mixed-use development, including more than 60 residential units.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a full assessment of the proposals or formal recommendations for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

- 1.4 This position statement relates to two applications for outline planning permission, refs: 2020/92331 and 2020/92350, both submitted by the same applicant and both relating to allocated site MXS7.
- 1.5 A position statement relating to these proposals was considered by the Strategic Planning Committee on 11/07/2019, at pre-application stage (refs: 2018/20078 and 2018/20077).

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The site is approximately 120 hectares in size and is allocated for mixed use development (housing and employment) in the Local Plan (site allocation ref: MXS7). The site's southern edge meets the Kirklees/Wakefield borough boundary, and its northeastern edge comes within 115m of the Kirklees/Leeds borough boundary.
- 2.2 The site is currently in agricultural use and is flanked on its north, west and southwest edges by existing residential development. To the south and northeast are fields in agricultural use, and the ancient woodlands of Dum Wood and Dogloitch Wood.
- 2.3 The site generally slopes downhill from southwest to northeast. An east-west depression follows a watercourse that crosses the site. The site's lowest point is approximately 75m AOD on its northeast edge, and its highest point is approximately 120m AOD close to the Huntsman PH on Chidswell Lane.
- 2.4 No part of the site is within a conservation area, and there are no listed buildings within the site. The nearest designated heritage assets within Kirklees are the Grade II listed toll gates on Grange Road to the west.
- 2.5 Several Tree Preservation Orders protect trees within and close to the site.
- 2.6 The site meets Chidswell Lane to the west, and has an existing vehicular access point off Leeds Road (the A653), between numbers 1060 and 1062. The site can also be accessed from Chidswell Lane, Leeds Road and Heybeck Lane via several public footpaths. These public rights of way continue across the site. There are also informal paths within the site and through the adjacent woodlands.
- 2.7 Almost all of the site is greenfield and is grassed. No significant buildings exist within the site's boundaries. High-level overhead power lines run east-west across the site.
- 2.8 The site has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding locations (including in longer views, and vantagepoints within adjacent boroughs) and from public footpaths.
- 2.9 Much of the site is within a Development High Risk Area as defined by the Coal Authority.

2.10 Two adjacent sites are also allocated for development in the Local Plan. Lees House Farm to the west (site allocation ref: MXS5) is allocated for mixed use development, and land between Chidswell Lane and Owl Lane to the southwest (site allocation ref: HS47) is allocated for residential development.

### **3.0 PROPOSALS**

3.0 Two applications for outline planning permission have been submitted. These are:

- 2020/92331 – relating to the larger (Leeds Road) part of the site, where the applicant proposes the demolition of existing dwellings and the development of a 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/D2 uses), a two form entry primary school including early years provision, green space, access and other associated infrastructure.
- 2020/92350 – relating to the smaller (Hey Beck Lane) part of the site, where the applicant proposes a residential development of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure.

3.1 Together, a mixed use development of up to 1,535 residential units and 35 hectares of employment land (providing up to 122,500sqm of floorspace and up to 2,500 new jobs) is proposed. A two form entry primary school, and a local centre (which may include convenience retail, among other uses) are also proposed.

3.2 The proposed development includes approximately 15 hectares of public open space, a multi-use games area, playspaces, allotment gardens, drainage swales and ponds, treeplanting and soft landscaped areas.

3.3 The development's employment area is proposed along the site's east-west depression between one of the site's Leeds Road vehicular entrance and Dogloitch Wood. Most of the dwellings, and the school and local centre, would be to the south of the employment area.

3.4 The proposed development would be laid out around two new, primary spine roads. One road (serving most of the dwellings, the school and local centre) would run through the site between new vehicular entrances on Leeds Road and Chidswell Lane, and another (serving the employment uses) would form a long loop accessed from the site's existing vehicular site entrance on Leeds Road. A short road connecting these primary roads, but preventing HGV movements into the main residential area, is also proposed. The smaller residential area at the north (Heybeck Lane) end of the site would have a separate, new vehicular access from Heybeck Lane. Another new vehicular entrance is proposed on Chidswell Lane, giving the development a total of five vehicular entrances. Existing residential properties at 39 Heybeck Lane, 1010, 1012, 1014, 1016 and 1062 Leeds Road and 97 Chidswell Lane would be demolished to make way for these vehicular entrances, as would buildings at Chidswell Farm.

3.5 Existing public footpaths would largely be retained (some minor diversions are proposed), and new footpaths, footways and cycle routes would be created throughout the site.

3.6 The proposed development of the larger (Leeds Road) part of the site constitutes Environmental Impact Assessment (EIA) development, as do the two proposals when considered together. On its own, the proposed development of the smaller (Heybeck Lane) part of the site does not constitute EIA development. The applicant has submitted an Environmental Statement for the Leeds Road application.

#### **4.0 RELEVANT PLANNING HISTORY (including enforcement history)**

4.1 97/92234 – Planning permission refused 15/04/1998 for extraction of coal by open cast methods with subsequent restoration to agriculture, woodland and varied habitats with an extended rights of way network and improved wildlife corridor linkage. The council's four reasons for refusal related to green belt, landscape, character, amenity, public rights of way, and archaeological impacts. Subsequent appeal dismissed 20/12/1999.

#### **5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)**

5.1 A concept masterplan was prepared by the applicant in 2017 for the purpose of informing discussions at the Local Plan Examination in Public. While this concept masterplan had merit, the council and the applicant agreed that it would be appropriate to restart the masterplanning process, looking again at the site's constraints and opportunities, consulting with residents, Members and other stakeholders, and devising a new masterplan through an iterative design process. This masterplanning work began in summer 2018, and culminated in the submission of the current applications in July 2020. Should outline planning permission be granted, masterplanning work would continue, to inform subsequent Reserved Matters applications.

5.2 Officers from several council departments have attended monthly meetings with the applicant team.

5.3 On 24/05/2018 the council issued an EIA Screening Opinion, stating that the proposed development of the larger (Leeds Road) part of the site constituted EIA development, for which an Environmental Statement would need to be submitted (ref: 2018/20078). The council subsequently issued an EIA Scoping Opinion on 03/12/2018 (ref: 2018/20408).

5.4 On 22/05/2018 the council issued an EIA Screening Opinion, stating that the proposed development of the smaller, northern part of the site did not constitute EIA development (ref: 2018/20077).

5.5 On 25/02/2019 the applicant team presented the emerging proposals to the Yorkshire and Humber Design Review Panel. The Panel commended the working partnership between the council and the applicant. The Panel stated that the principles that inform the emerging masterplan were "on the right track", and that the emerging development principles should be safeguarded so that the next stage of the design process shares the same vision and

achieves high quality placemaking – this could be achieved through strict design guidance or coding. Visual demonstrations of the site's shape and topography (and information on how these features informed the proposed layout) were requested. Further work on street widths, character areas, road hierarchy and building heights was recommended. More thought should be given to character, hierarchy, scale and massing, legibility, wayfinding and landmarks. Some pedestrian areas could be made more convenient and be given greater natural surveillance.

5.6 Prior to submitting the current planning applications, the applicant held two public consultation events. Three-hour drop-in events were held on 19/06/2019 at Dewsbury Rams rugby ground, and on 25/06/2019 at Woodkirk Valley Country Club. Attendees were able to complete comment cards at these events, and were invited to email the applicant with comments up to 31/07/2019.

5.7 On 07/06/2019 the applicant team met all six Members for Batley East and Dewsbury East (Cllr Akhtar, Cllr Loonat, Cllr Zaman, Cllr Kane, Cllr Lukic and Cllr Scott). The applicant team presented the emerging proposals, and the following comments and questions were raised:

- Site requires a plan that delivers what local people want, that involves extensive engagement with local people, and that is supported locally.
- Details of local consultation events (including their advertisement and accessibility, how proposals would be presented, and how comments would be recorded) were requested.
- Online consultation was suggested. Applicant should allow for submission of comments after the consultation events.
- Chambers of commerce/trade, schools and colleges, mosques, church organisations, Dewsbury Forward, tenants and residents associations and other parties should be consulted.
- Members asked what weight the applicant would attach to local consultation responses, and how these responses would shape the proposed development.
- Members requested details of timescales of development.
- Flood alleviation measures required. Site entrances on Leeds Road are already vulnerable to flooding from a beck within the site.
- Concerns raised regarding possible coal extraction from the site.
- Members asked how "employment" was defined.
- The proposed location of the community hub was queried.
- A straighter, more direct road alignment from Chidswell Lane to the new school and community hub was suggested.
- Details of specialist accommodation (Extra Care etc) were requested.
- An on-site modular housing construction facility could be provided.
- If several developers bring forward separate developments, they need to work to the same aesthetic guidelines, although some variety in dwellings is needed.

5.8 Officers have also briefed Cllr McBride and Cllr Mather in their capacity as relevant portfolio holders.

5.9 At pre-application stage, a Position Statement was considered by the Strategic Planning Committee on 11/07/2019.

5.10 A pre-application advice letter was issued on 11/11/2019. Summarise main points. The main points of that advice letter are summarised as follows:

- Council shares applicant's intention to deliver a high quality, sustainable, mixed use development that addresses borough and local needs and that seeks to address all relevant planning considerations, and that mitigates its impacts (including in relation to infrastructure).
- Full planning permission required. List of application documents (required for validation) provided.
- Application for full planning permission preferred, however outline and Reserved Matters applications can be submitted.
- Submission of two applications (one being for c180 units at Heybeck Lane site) acceptable, as this responds to Inspector's query regarding early delivery.
- Continued public consultation and engagement encouraged.
- Environmental Statement will need to address impacts of development at both sites.
- Indicative phasing plan required.
- Indicative capacities of site allocation MXS7 (1,535 dwellings and 122,500sqm of employment floorspace) should be met.
- Site is within a wider mineral safeguarding area, however overriding housing and employment needs allow for approval of development.
- Applications should demonstrate development would achieve net gains in respect of all three sustainable development objectives (economic, social and environmental).
- Development should respond positively to Climate Emergency declaration and zero carbon target.
- Subject to details and other relevant matters, mixed use at this site can be considered sustainable, given site's location adjacent to an accessible, already-developed area, its proximity to public transport and other facilities, and other material considerations.
- Masterplanned approach required.
- Adjacent site MXS5 should not be sterilised. Access from site HS47 required.
- Parameter plans would provide sufficient high-level detail at outline application stage, provided that sufficient supporting and indicative information is also submitted.
- Proposed retention of existing features (including trees, hedgerows and Public Rights of Way) welcomed.
- Proposed arrangement of uses and the proposed development's four main physical components is well thought out, and is acceptable. Separation of residential and employment uses with open space and landscaping is acceptable.
- Developers should work with existing topography, however some levelling will be necessary. Details required of any importing of infill material.
- 35 dwellings per hectare should be achieved, with variety in densities informed by context and other considerations.
- Landscape and Visual Impact Assessment required. Viewpoints previously agreed with officers.
- Few heritage assets exist close to the site, however impacts must still be assessed.
- Design advice provided for consideration at Reserved Matter stage.

- Further design review encouraged.
- Significant infrastructure required to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts. Application submissions must ascertain what is required, when these works and provisions are required, their costs, and who would be responsible for their delivery.
- Scope exists for a district heat or energy network. On-site energy centre would be appropriate.
- A range of employment uses and unit sizes would be appropriate. B8 (storage and distribution) floorspace should be limited. Site is not suitable for non-ancillary offices. Indicative split of 50% B2 use, 25% B8 use, 15% ancillary offices, and 10% B1b and c use is appropriate for informing the relevant assessments.
- Strong response required to the Kirklees Economic Strategy's emphasis on advanced manufacture and precision engineering is expected.
- High numbers of quality, skilled jobs and apprenticeships expected.
- Opportunities for local employment should be maximised.
- Space should be provided for expansion (without having to relocate) of businesses within the site.
- An on-site modular housing construction facility could be provided.
- Signalised junctions, rather than roundabouts, appropriate for Heybeck Lane, Leeds Road and Chidswell Lane access points.
- Prevention of HGV access to residential spine road is appropriate.
- Potential for significant impacts upon the Strategic Road Network. Cumulative impacts would also need assessing. Development will need to mitigate its highway impacts.
- Strategy for pedestrian and cyclist movement required. Positive response to Core Walking, Cycling and Riding Network required.
- Draft Travel Plan required.
- High quality and design required for housing, with a high standard of amenity for future and neighbouring occupants.
- Details of 20% affordable housing provision to be provided at Reserved Matters stage. Of 1,535 residential units, 307 would be required to be affordable (169 units for social or affordable rent, and 138 intermediate). Affordable housing should be pepper-potted and visually indistinguishable.
- Specialist residential accommodation, such as homes for retirement or sheltered living and/or an Extra Care facility, welcomed.
- Potential locations for bungalows and for self-build development should be explored.
- Applicant should note need for dementia-friendly design, the Government's Nationally Described Space Standard, and the need to accommodate a wide variety of household formats.
- Need for a two form entry primary school likely to be triggered by between 274 and 429 dwellings (subject to review). Two hectares typically required for school. School should be designed to council's standards.
- Early years and childcare provision also required.
- Provision of a local centre supported, subject to sequential testing. For a centre with a total floorspace of 1,500sqm (of which no more than 500sqm would be commercial floorspace – other floorspace would be allocated to doctor and dentist uses), an impact assessment would not be required.



- Health Impact Assessment required.
- Noise, air quality, odour and other matters relevant to environmental health will need to be addressed. Damage cost of air quality impacts may need to be considered.
- Site is potentially contaminated. Phase I contamination report required.
- Site is within the Development High Risk Area. Coal Mining Risk Assessment required.
- Size of the site provides opportunity for on-site measures such as swales and attenuation ponds that could assist in limiting run-off to greenfield rates, and can additionally serve as amenity and biodiversity features within an appropriately landscaped setting.
- Biodiversity designations apply. Biodiversity net gain will need to be demonstrated.
- TPOs protect trees on-site, and adjacent Dogloitch Wood and Dum Wood are ancient woodlands. Arboricultural impact assessment required. Buffers required adjacent to ancient woodlands. White Rose Forest initiative should be responded to.
- Neighbourhood Equipped Area for Play (NEAP), including a multi-use games area, will need to be provided within 720m (or a 15 minute walking distance) of the majority of the proposed dwellings. 30m separate zone (away from dwellings) required around it.
- Section 106 required to secure mitigation and benefits. Heads of Terms likely to relate to:
  - Infrastructure works and provision.
  - Highways and transportation impacts.
  - Two form entry primary school.
  - Education contributions.
  - Early years and childcare provision.
  - Open space, including playspaces and sports provision.
  - Affordable housing.
  - Drainage.
  - Sustainable transport.
  - Decentralised energy.
- Costs of development are likely to be significant, and should be reflected in purchase price(s) of site. Developers should not overpay for land, and then argue that these costs were unanticipated and that affordable housing or other necessary mitigation is not viable. Development at this site can reasonably be assumed to be viable at this stage.

## **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 site is allocated for mixed use development in the Local Plan (site allocation ref: MXS7). The site allocation sets out an indicative housing

capacity of 1,535 dwellings, and an indicative employment capacity of 122,500sqm for the site.

6.3 Site allocation MXS7 identifies the following constraints relevant to the site:

- Third party land required for access
- Multiple access points required
- Public rights of way cross the site
- Additional mitigation on the wider highway network may be required
- Power lines cross the site
- Multiple watercourses cross the site
- Air quality issues
- Noise source near site
- Odour source near site
- Potentially contaminated land
- Part of the site lies within a UK BAP priority habitat
- Site is within the Wildlife Habitat Network
- Part of the site contains a Habitat of Principal Importance
- Site is close to an archaeological site
- Part/all of the site is within a High Risk Coal Referral Area

6.4 Site allocation MXS7 also identifies several other site specific considerations in relation to landscape impacts, economic development and regeneration, local education provision, access points, the site's relationship with allocated site HS47, residential amenity, cycling, mitigation of highway network impacts, the provision of a new Local Centre (subject to sequential testing and impact assessment) and protective buffers for the adjacent ancient woodlands. The site allocation confirms that a masterplan is required for the site.

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  
LP13 – Town centre uses  
LP18 – Dewsbury Town Centre  
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  
LP29 – Management of water bodies

LP30 – Biodiversity and geodiversity  
LP32 – Landscape  
LP33 – Trees  
LP34 – Conserving and enhancing the water environment  
LP35 – Historic environment  
LP36 – Proposals for mineral extraction  
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  
LP63 – New open space  
LP67 – Mixed use allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Interim Affordable Housing Policy (2020)
- 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 Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Street Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)

Climate change

6.7 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.

#### National Planning Policy and Guidance:

6.8 The National Planning Policy Framework (2019) 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 6 – Building a strong, competitive economy
- Chapter 7 – Ensuring the vitality of town centres
- 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 minerals

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

6.10 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

## **7.0 PUBLIC/LOCAL RESPONSE**

7.1 Application 2020/92331 was advertised as a major development that affects Public Rights of Way, and that is Environmental Impact Assessment development accompanied by an Environmental Statement. Nine site notices were posted on 27/08/2020, and corrected site notices were posted on 05/09/2020. A press notice was published on 13/08/2020, and a further press notice (providing details relating to the Environmental Statement) was published on 03/09/2020. Letters were sent to addresses close to the application site and within the surrounding area. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 05/10/2019.

7.2 Application 2020/92350 was advertised as a major development that affects Public Rights of Way. Four site notices were posted on 27/08/2020. A press notice was published on 13/08/2020. Letters were sent to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 20/09/2020.

7.3 To date, 543 representations have been received in response to the council's consultation on application 2020/92331, and 183 representations have been received in relation to application 2020/92350, including representations from the Chidswell Action Group, the Woodland Trust, CPRE West Yorkshire and Members of Leeds City Council. These have been posted online. Many of the representations referred to both applications. The following is a summary of the comments made:

- Objection to principle of development.
- Loss of green belt land, greenfield site and open space. Space serves as a green lung. Area is of outstanding natural beauty. Site should be returned to green belt.
- Brownfield sites should be used instead. Vacant properties should be used.
- Loss of valuable agricultural land. Loss of capacity for food production. Increased food miles.
- Open-cast mining was previously rejected at this site.
- Built-up areas would merge. Urban sprawl.
- Proposal is out of scale with village. Local character would be impacted. Area would resemble London.
- Site has archaeological potential. Archaeological watching brief required.
- Existing houses shouldn't be demolished to provide site entrances.
- Increased congestion. Local roads are already at capacity. Queuing is already a problem. Congestion occurs even with large numbers working from home. Local roads would become rat runs. Increased traffic in Ossett, and towards Leeds and motorways. Traffic assessments were carried out during lockdown and school holidays. M2D2L proposals wouldn't be adequate to address increased traffic. Highways England objected.
- Area lacks public transport.
- Highway safety impacts. Accidents (some fatal) already occur on Leeds Road. Accidents will happen at new junction on Heybeck Lane.
- Heybeck Lane site needs a second entrance for emergency access.
- Site's coal mining legacy not accounted for. Unsafe to grant permission for development. Site is at risk of subsidence.
- Loss of privacy.
- Proposals lack buffer zones with existing residential properties.
- Increased pollution.
- Air quality impacts. Land currently absorbs carbon dioxide.
- Creation of dust.
- Increased noise from traffic and employment uses.
- Increased light pollution.
- Adverse impact on mental health. Countryside needed more during pandemic.
- Local work/life balance would be affected.

- Crime prevention not considered.
- Local jobs would not be created. Jobs would be imported.
- Insufficient GP and dental services locally.
- Insufficient capacity at local schools. Proposed school would not solve problems. No provision for secondary schools proposed.
- Increased flood risk. Unclear what off-site work required. Links between flood risk mitigation and coal mining legacy mitigation not clear.
- River pollution.
- Ecological impacts. Loss of habitats. Objections of KC Ecology and Yorkshire Wildlife Trust are agreed with. Ecological matters shouldn't be deferred to Reserved Matters stage. 3% biodiversity net gain is not enough – 10% is required. Bats and birds would be affected. Surveys were inadequate.
- Wildlife teaching opportunities would be lost.
- Impacts on ancient woodlands. Enhanced (50m) buffer required.
- Loss of hedgerows.
- Adverse impacts on public footpaths.
- Contrary to Climate Emergency declaration. Development won't be carbon-neutral.
- Proposals contrary to Local Plan and NPPF.
- Developer's financial gain should not be more important than local wishes.
- Development would set a precedent for other green belt loss.
- Kirklees residents would not benefit. Proposed homes would be bought by people from outside Kirklees.
- These and other applications and developments should be considered together. Cumulative impacts will occur.
- Conditions and required mitigation could make the site undevelopable due to cost.
- Impact on property value.
- Heybeck Lane site red line boundary should include connections to watercourse.
- Online documents unclearly labelled.
- Application submission is contradictory, incomplete and vague.
- Residents of Leeds haven't been consulted.
- Forestry Commission should have been consulted.

7.4 The vast majority of the representations were objections to the application. Four were in support, or set out conditional support.

7.5 Cllr Lukic made the following comments in relation to application 2020/92331:

*I object to this application because it would result in irreversible ecological harm, unsustainable traffic generation and merging of neighbouring towns. Consultees have highlighted that significant flaws mean the application is not compliant with Local Plan policies.*

*It is obvious to anyone who lives or works in this area that Dewsbury and North Kirklees are already developed beyond the capacity of local services and infrastructure. Instead of making our problems worse this council should be preserving the precious little countryside we have left.*

*Effective planning should protect neighbouring towns from expanding into each other and the removal of green belt protection for this beautiful landscape in February 2019 was a serious error. This application straddles and further erodes the already perilous boundary between Dewsbury and Batley without any recognisable physical demarcation, and therefore fails to respect the distinct identities and characters of the two towns.*

*These development proposals are also a clear threat to protected species and habitats, and do not demonstrate a net gain for biodiversity. This landscape contains watercourses, hedgerows and ancient woodlands that need to be properly managed and safeguarded in perpetuity.*

*This proposal is over-development and the scale would not be sustainable for local public services that are already full, along with local and strategic highways networks. There is insufficient detail on public and active transport provision. If this scheme was implemented then very high frequency bus services would be needed along with contributions towards extending high quality walking and cycle routes towards Dewsbury and Batley Town Centres and Leeds.*

*Unfortunately the application tends to demonstrate a lack of commitment to measures that would mitigate some of these adverse impacts, instead merely offering suggestions that can be withdrawn at a later stage if outline permission is granted.*

*On a specific technical point, the indicative masterplan shows a cycle route adjacent to Dogloitch Wood but this is not contained within the red line boundary of the application. There is an existing public right of way along that line but this does not currently allow for cycling. The red line boundary should include all indicated components of the proposed scheme so that the committee knows exactly what they are deciding on.*

*Finally I am also concerned that if this mixed-use scheme is approved then the lucrative residential portions would be rushed into construction while the employment offer being dangled like a 'carrot' would be neglected, followed by attempts to replace it with more housing. I understand that this has already transpired at a long-running mixed-use allocation in the Lindley area. If this scheme at Chidswell is approved we should therefore require that development does not commence on the residential portions until the employment portion has a reasonable level of occupancy.*

7.6 Mark Eastwood MP made the following comments in relation to application 2020/92331 and 2020/92350:

*I am writing to object [to both planning applications], the approval of either application would be a disaster. I base my objection on the following grounds:*

- *Impact on current residents, infrastructure and agriculture;*
- *Concerning responses from key bodies including Highways England, the Yorkshire Wildlife Trust and the Coal Authority;*
- *Historical precedent;*
- *Alternative sites; and*
- *The timing of the consultation*

*The addition of over 1500 new homes, in the event of both applications being approved, would place an enormous strain on existing residents. The level of noise and air pollution generated in the construction phase, and the routine pollution from additional vehicles post-construction, pose a worrying risk to public health, especially to those with respiratory diseases. This is in stark contrast to the area's present position as a 'green lung'.*

*The residents would not only be deprived of air quality but also of recreational space for sport and exercise, of the beauty of area's ancient woodlands and of the enjoyment of the working farm on the plot. This marks a serious reduction in the quality of life for current residents.*

*Current infrastructure is inadequate to support such a large development. Public service infrastructure such as General Practitioner's surgeries, dental surgeries and schools face being overwhelmed by an influx of new residents. The area's physical structure would not be able sustain thousands of extra cars on the roads, indeed, many residents feel that present provision is already lacking with regular congestion at peak hours. There has been insufficient allocation of highways infrastructure and transport provision from the Council. Highways England in their responses to both consultations have recommended that planning permissions not be granted at this time.*

*The Yorkshire Wildlife Trust (YWT) has also issued a thorough and damning report on both planning applications. The potential impact on Local Wildlife Sites and the Kirklees Wildlife Habitat Network were described as 'significant', alongside negative impacts on breeding farmland bird species. WYT criticises the application of metrics in the supporting documents to the application, and they query some of the methodology deployed in the preparation of the supporting surveys. The loss of habitats does not just deprive local residents of vibrant local wildlife but also represents a loss to district and the nation. The application cannot be approved while glaring concerns remain over the protection of wildlife.*

*It is not just wildlife that is at risk from this proposed development, but also human life. The Coal Authority has assessed that there may be a high risk to the development from the area's coal mining legacy, including unrecorded workings, mine entries and opencast workings. It would be unsafe to allow development to proceed, potentially putting life and structures at risk.*

*The area was included around the turn of the millennium as part of proposals to use the area for opencast mining. Following a successful appeal to the Secretary of State, the decision was overturned. This demonstrates clear historical precedent for protecting this area of beauty, and this ought to be followed when considering these applications.*

*The area should never have been released from the Green Belt for development consideration. Insufficient consideration was given to alternative areas for development in the Local Plan. This is particularly pertinent when one considers the range of other developments that have received (or are in the process of receiving) planning permission in the nearby area, including applications:*

- 2016/93929
- 2018/94189
- 2019/92787



- 2019/91476

*The Yorkshire Wildlife Trust alluded to the cumulative impact of approving the applications I am objecting to, when considering the already approved developments nearby, stating:*

*“Careful consideration must be made by the LPA of cumulative impacts of this and other nearby developments upon sensitive habitats, species and ecological connectivity.”*

*The recent case of Aireborough Neighbourhood Development Forum v Leeds City Council [2020] EWHC 2183 (Admin), following the judge’s findings in the substantive case [2020] EWHC 1461 (Admin), resulted in the remittance to the Secretary of State of all allocations of housing on released Green Belt in the local authority’s plan. The failure to provide adequate reasoning for the release of Green Belt land, site selection decisions, and a lack of consideration for reasonable alternatives led to the judge’s decision. It is my view that the proposed developments at Chidswell may be subject to a similar remittance given the similarity in circumstances.*

*Finally, these consultations come at time when the country, and particularly Kirklees, is under restrictions. It is inadequate to gauge the true opposition to the proposals while many may be unable to contribute to the consultations, especially the elderly. Such a large overall development would change the landscape and the face of the area irreparably and such considerations ought to be made only with full participation from those it affects. At the very least, the opposition of those unable to partake in this abnormal process ought to be taken into account.*

*Both planning applications share the same pitfalls. The threats to ecology, quality of life & health are daunting. The nature of the decision to release the area from the Green Belt is also wrought with concern. As a whole, the proposals amount to various breaches of the National Planning Policy Framework and ought to be rejected outright.*

## **8.0 CONSULTATION RESPONSES**

### **Application 2020/92331**

#### **8.1 Statutory:**

8.2 Coal Authority – No objection, subject to conditions. Coal Authority concurs with the recommendations of the applicant’s Coal Mining Risk Assessment, and the conclusion that there is currently a moderate to high risk to the proposed development from coal mining legacy. In order to mitigate the risk and inform the extent of remedial or mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development.

8.3 Environment Agency – No objection or comments to make on this application. There are no environmental constraints/issues within the Environment Agency’s remit that would be affected by the proposals.

- 8.4 Highways England – Holding objection issued. Both applications should be held on a temporary period of non-determination to allow further work to be undertaken by the applicant. Detailed reviews of applicant's Transport Assessment and Framework Travel Plan provided.
- 8.5 Historic England – Do not wish to offer comments. Views of the council's specialist conservation and archaeological advisers should be sought.
- 8.6 Natural England – No objection. Proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes. Generic advice provided regarding other natural environment issues.
- 8.7 Sport England – Objection. £1,676,111 sports contribution required (based on population of development) if no on-site provision proposed. This includes provision for grass pitches, artificial grass pitches, changing rooms and life cycle costs. Objection could be resolved through on-site provision of playing pitches in accordance or a planning contribution to allow their provision off-site (or a combination of the two).
- 8.8 Lead Local Flood Authority – Support proposals, subject to conditions. Fully detailed drainage masterplan required prior to Reserved Matters submissions, to ensure an integrated drainage approach is followed. Working group recommended, to ensure successful masterplanning in relation to drainage. More detailed drainage and flood risk assessment required at Reserved Matters stage. Maintenance and management of sustainable drainage systems must be incorporated into a Section 106 agreement. Discharge restrictions based on a greenfield run-off of 5l/s/ha would be appropriate. Further detailed advice provided.
- 8.9 Non-statutory:**
- 8.10 Leeds City Council (Planning Services) – Proposals may have significant adverse impact on road network in Leeds. Transport Assessment needs to take into account journeys in Leeds, and the impacts of developments in Leeds. Risk of rat-running to avoid Tingley roundabout. Sustainability of site questioned due to limited bus service. Buffer required to protect green belt from further encroachment that would put pressure on the strategic gap between the two authorities.
- 8.11 Leeds City Council (Transport Development Services) – Cannot support the development proposals due to lack of complete assessment of the impact of development in terms of required junctions within the Leeds district that are not included in the study area and hence lack of traffic count data and development impact assessment at those junctions; revisions required to the trip generation and committed development; trip distribution and assignment; and measures to mitigate the impact of the development.
- 8.12 National Grid (Cadent) – Generic advice provided regarding works to pylons.
- 8.13 Yorkshire Wildlife Trust – Objection. Development would cause significant district-level impacts upon breeding farmland bird species and potential significant district impacts upon a Local Wildlife Site and the Kirklees Wildlife Habitat Network. Applicant's ecological surveys identified a number of

constraints, however the recommendations to mitigate and compensate for these have not been included in the parameter plans. Plans should be revised to incorporate these and a net gain of at least 10% for all habitat types. Various concerns raised with applicant's ecological surveys and assessment. Surveys will need updating prior to work on each phase of development. Submission of a Defra metric welcomed, however errors noted. Cumulative impacts of this and other nearby developments upon sensitive habitats, species and ecological connectivity should be considered. Draft Biodiversity Enhancement and Management Plan and Construction Environmental Management Plan required prior to determination of applications.

- 8.14 KC Ecology – Further information is required in order to demonstrate that the proposals are in accordance with Local Plan Policy LP30i, this should include details regarding how the favourable status of the breeding bird assemblage and the local wildlife sites will be maintained post-development. Information is also required to demonstrate that the development can achieve a biodiversity net gain in accordance with Local Plan Policy LP30ii. This should include changes to the biodiversity metric calculations as specified and evidence that the proposed development can achieve a 10% net gain in biodiversity post-development. Comments of Yorkshire Wildlife Trust agreed with.
- 8.15 KC Environmental Health – Regarding air quality, applicant's methodology is acceptable, however omissions (relating to monetary costs and sensitivity testing) mean report cannot be fully accepted, and condition requiring air quality assessment is necessary. Condition recommended regarding construction-phase dust. Condition requiring electric vehicle charging facilities recommended. Regarding odour, applicant's methodology is generally satisfactory, however omitted baseline and other information means report cannot be accepted, therefore condition requiring odour impact assessment is necessary, and greater distance between dwellings and neighbouring farm would be necessary. Regarding site contamination, applicant's Phase I report is satisfactory, and conditions are recommended. Noise from various sources could affect the site, and conditions are recommended. Construction Environmental Management Plan required by condition. External lighting condition recommended.
- 8.16 KC Highways Structures – Conditions recommended requiring details of any highways structures.
- 8.17 KC Landscape – Detailed information required to demonstrate compliance with Local Plan policy LP63 in relation to outdoor sports and the necessary detailed design of the required Local Areas for Play, Local Equipped Areas for Play, Neighbourhood Equipped Areas for Play and Multi Use Games Areas. Welcome the inclusion of buffers to the green belt and existing woodland areas – these should be linked to the green infrastructure within the development site. Landscaped, multifunctional greenspaces and the linking routes between them are welcomed and should be designed to promote a fully-integrated Sustainable Drainage Network and provide broad opportunities for enhancing green corridors, tree planting and mitigation. Rain gardens encouraged. Masterplanning approach required, and individual planning applications for phases or parcels of land within the red line boundary should not come forward without an integrated and strategic approach to greenspace green corridor provision.

- 8.18 KC Public Health – No comments at this stage. Welcome further opportunities to consider health impact matters through Reserved Matters submissions.
- 8.19 KC Strategic Housing – Council seeks 20% affordable housing provision in developments of 11 or more dwellings. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be accepted. In the Dewsbury and Mirfield Sub-Area there is a significant need for affordable three-bedroom (and larger) homes. 307 affordable homes required. A mix of housing that reflects local need and will contribute towards a balanced and sustainable development is required. Affordable homes must be distributed throughout the development (not in clusters), and must be indistinguishable from market housing both in terms of quality and design. A 55% social or affordable rent / 45% intermediate tenure split is required. 169 social or affordable rented dwellings and 138 intermediate dwellings would be appropriate.
- 8.20 KC Strategic Waste – According to council records, there are no closed landfill sites within 250m of the application site address.
- 8.21 KC Trees – General principle of the outline proposal and the access on this site is supported. The illustrative layout and supporting arboricultural impact assessment demonstrates that the site can be developed while incorporating the existing important trees, woodlands and hedgerows into the design and avoiding adverse impact on these features. Significantly more detail required at Reserved Matters stage. Effects on ancient woodland, and woodland management, should be considered.
- 8.22 KC Waste Strategy (Refuse and Cleansing) – No objection to the outline application provided Refuse Collection Vehicle access is adequately considered at all site access points. Advice provided to enable development to meet the operational requirements of the Waste Collection Authority.

**Application 2020/92350 (where different to the above responses)**

- 8.23 **Statutory:**
- 8.24 Coal Authority – No objection, subject to conditions. Coal Authority concurs with the recommendations of the applicant's Coal Mining Risk Assessment, and the conclusion that there is currently a high risk to the proposed development from coal mining legacy. In order to mitigate the risk and inform the extent of remedial or mitigatory measures that may be required to ensure that the development is safe and stable, intrusive site investigations should be undertaken prior to commencement of development.
- 8.25 KC Lead Local Flood Authority – No objection. Maintenance and management of sustainable drainage systems must be incorporated into a Section 106 agreement. More detailed flood risk assessment and drainage strategy (required at Reserved Matters stage) should address concerns. Discharge rate of 32.4l/s is not accepted. Conditions recommended.

## **8.26 Non-statutory:**

- 8.27 West Yorkshire Police Designing Out Crime Officer – No objection in principle. Meeting requested. Condition should be applied, requiring incorporation of measures to minimise the risk of crime. Comments provided on indicative layout.
- 8.28 Yorkshire Water – 300mm public combined sewer crosses the site – development's design will need to take this into account. Conditions recommended regarding building above or near public sewer, separate foul and surface water drainage, and completion of surface water drainage works.
- 8.29 KC Environmental Health – As above regarding air quality, dust, site contamination, construction management and electric vehicle charging. Condition recommended requiring details of noise mitigation measures.
- 8.30 KC Strategic Housing – As above regarding policy requirements. In the Batley and Spen Sub-Area there is a significant need for affordable one-, two-, three-bedroom (and larger) homes, along with one- and two-bedroom homes for older people. 36 affordable homes required. 20 social or affordable rented dwellings and 16 intermediate dwellings would be appropriate.

## **9.0 MAIN ISSUES**

- Land use and principle of development
- Quanta
- Sustainability and climate change
- Masterplanning, urban design and landscape impacts
- Conservation
- Infrastructure requirements and delivery
- Employment element
- Residential element
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Ecological considerations
- Trees and hedgerows
- Planning obligations and financial viability
- Phasing and delivery
- Representations
- Other matters

## **10.0 APPRAISAL**

### Land use and principle of development

- 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 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.
- 10.3 The Local Plan also seeks to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs.
- 10.4 The Leeds City Region Strategic Economic Plan identifies a major employment growth opportunity (Employment Growth Area) at Chidswell. The Kirklees Economic Strategy supports the growth of employment uses and supporting infrastructure. The North Kirklees Growth Zone initiative identifies Chidswell as a major strategic employment location for the City Region, and a location for over 1,500 new homes. The site is allocated for mixed use development (housing and employment) in the Local Plan (site allocation ref: MXS7 (previously MX1905). The site is intended to be a key contributor to the council's economic growth aspirations, being one of the major employment sites allocated for development in the Local Plan. The site's role in the regeneration of Dewsbury, Batley and indeed North Kirklees is significant.
- 10.5 Full weight can be given to site allocation MXS7. The reference made by Mark Eastwood MP to a legal challenge to the Leeds Site Allocations Plan is noted, however the judicial review period for the Kirklees Local Plan passed with no challenge being made.
- 10.6 Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis 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 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 stated that there were no significant constraints that would prevent the site being delivered, that there were exceptional circumstances to justify the release of the site from the green belt, and that the site allocation was soundly based.
- 10.7 Site allocation MXS7 requires the provision a new two form entry primary school (which is proposed). It also supports the creation of a new local centre commensurate with the scale of growth proposed, subject to sequential testing and impact assessment. A local centre with up to 1,500qm of A1/A2/A3/A4/A5/D1/D2 floorspace (including a maximum of 500sqm of retail floorspace) is indeed proposed. Of note, the applications were submitted prior to the Government's changes to the Use Classes Order, which came into effect on 01/09/2020 and which merged the A1, A2, A3, B1, D1 and some D2 uses into a new E use class, among other changes. Given the timing of the submissions, the applications are to be determined with reference to the previous use class definitions.

- 10.8 At pre-application stage, officers agreed that, for a local centre with a total floorspace of 1,500sqm (of which no more than 500sqm would be commercial floorspace), an impact assessment would not be required. The applicant was still required to provide a sequential assessment, however, and this is provided at section 6 of the applicant's Planning Statement. It confirms that no more than 500sqm of retail floorspace would be provided, states that this is expected to meet the basic amenity needs of the occupiers of the proposed dwellings and employment uses, and assesses five defined centres (Wakefield Road (Earlsheaton) local centre, Earlsheaton local centre, Chickenley local centre, Dewsbury town centre, Batley town centre and Batley Carr local centre).
- 10.9 The applicant's assessment concludes that there are no sites which can adequately accommodate the local centre in its entirety, and states that the proposed location of the local centre is the most sequentially preferable one in Chidswell and the surrounding area. With reference to paragraphs 86 to 90 of the NPPF, the applicant states that the proposals satisfy the relevant tests as there are no sequentially preferable sites or vacant units which are available and suitable to accommodate the proposals, and due to the scale and nature of the floorspace proposed, the proposals would not undermine the vitality and viability of any defined centre, and are unlikely to lead to any material impact on either private or public investments within these centres.
- 10.10 These conclusions are noted, however further clarification from the applicant and assessment is required. Ossett town centre has not been included in the assessment. In addition, due to the flexibility required by the applicant, a D2 (assembly and leisure use) element up to 1,000sqm in size could be provided in the local centre – this does not accord with the role and function of a local centre (as set out in Local Plan policy LP13), and its inclusion may necessitate the submission of an impact assessment.
- 10.11 The flexible A1/A2/A3/A4/A5/D1/D2 use of the local centre's floorspace could include a pharmacy, doctor's surgery and/or dentist, however these have not been explicitly proposed at this outline application stage.
- 10.12 It is also noted that, outside the proposed local centre, the applicant's proposals include B1a floorspace. As noted at pre-application stage, this site is not considered appropriate for non-ancillary office uses. Clarification from the applicant is required regarding this aspect of the proposals, as further sequential testing and impact assessment may be required in relation to B1a uses.
- 10.13 The above unresolved matters aside, the principle of development is considered acceptable, and the proposal is considered acceptable in land use terms.

## Quanta

- 10.14 As noted above, site allocation MXS7 sets out indicative capacities of 1,535 dwellings and 122,500sqm of employment floorspace.
- 10.15 The proposals meet these headline expectations of site allocation MXS7.

## Sustainability and climate change

- 10.16 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.
- 10.17 The application site is a sustainable location for residential development, as it is relatively accessible and is on the edge of an existing, established settlement that is served by public transport and other facilities. The site is not within walking distance of a railway station, however Leeds Road is relatively well served by buses, and bus routes also operate along Heybeck Lane and Chidswell Lane (although the comments of Leeds City Council regarding these services being limited are noted). Chidswell, Shaw Cross and Woodkirk have a small number of shops (including a shop offering Post Office services), eating establishments, a church, pubs, petrol stations, social infrastructure, employment uses and other facilities, such that at least some of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, which further indicates that residential development at this site can be regarded as sustainable.
- 10.18 Both applications 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 is ongoing (and would continue into Reserved Matters and conditions stages, if outline permission is granted), however at this stage the following can be noted:
- Economic – With the inclusion of up to 122,500sqm of employment floorspace and the provision up to 2,500 new jobs, the proposed development has the potential to contribute significantly to the economic development of Kirklees and West Yorkshire. The related provision of training and apprenticeships could significantly contribute to the borough's skills base and economic resilience. New opportunities for local employment would be created (potentially minimising journey-to-work times), and the provision of space for expansion (without having to relocate) of businesses within the site would be beneficial for sustainability and business continuity reasons.
  - Social – The inclusion of a two form entry primary school, a local centre and sports and leisure facilities would help ensure the proposed development would meet 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 – The proposed development would involve the use of a 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 would need to be achieved. Extensive green and blue infrastructure is required to support the proposed development. As noted at pre-application stage, ample opportunity exists at this site 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. An on-site modular housing construction facility could also have benefits in relation to sustainability.

10.19 The applicant's Sustainability Statement looks at how the proposed development has responded to relevant national and regional sustainability policies, and provides an account of how the applicant team have considered and implemented sustainable design when formulating the current proposals. Efficient use of land and buildings, energy efficiency, sustainable transport, waste management, materials sourcing and recycling, built heritage and archaeology, flood risk, land use and ecology and pollution are examined. The report asserts that further information relevant to sustainability would be brought forward at later (Reserved Matters and conditions) stages, but concludes that, subject to those later details, the proposed development shall meet the sustainability requirements of local and national planning policy.

10.20 For a development at this site, of the scale proposed, transport is among the key considerations of relevance to sustainability assessment. A development at this site that was entirely reliant on the use of the private vehicle is unlikely to be considered sustainable. The assessment of the proposed development's transport and highways impacts (including the extent to which sustainable modes of transport would be used) is under way, and further detail is provided later in this position statement.

#### Masterplanning, urban design and landscape impacts

10.21 Due to the size of the site, the scale of the proposed development, the wide range of relevant planning considerations, the requirements of site allocation MXS7 and Local Plan policy LP5, and the adjacent site allocations MXS5 and HS47, a masterplanning approach is necessary for this site. 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.

10.22 A concept masterplan was prepared by the applicant in 2017 for the purpose of informing discussions at the Local Plan Examination in Public. While this concept masterplan had merit, the council and the applicant agreed that it

would be appropriate to restart the masterplanning process, looking again at the site's constraints and opportunities, consulting with residents, Members and other stakeholders, and devising a new masterplan through an iterative design process. This masterplanning work began in summer 2018.

10.23 The current proposals are illustrated by an indicative site layout plan (which would not be listed on the council's decision letter, if outline planning permission is approved), and a series of parameter plans (which have been submitted by the applicant for approval, and which would be listed on the council's decision letter). The parameter plans related to:

- Developable area and use;
- Maximum building heights;
- Access;
- Blue infrastructure; and
- Green infrastructure.

10.24 In addition, the applicant has submitted indicative site-wide plans related to phasing and infrastructure, density and movement, as well as illustrative site sections. Design and Access Statements have also been submitted, as has a Landscape and Visual Impact Assessment (at chapter 7 of the Environmental Statement).

10.25 The proposed layout has been influenced by the requirements of the site allocation, the site's topography, the existing and possible locations of vehicular entrances, green infrastructure, drainage, existing watercourses, the need for separation between uses, open space requirements, the most appropriate location(s) for social infrastructure, highway safety and adoption, public rights of way, the high-level overhead power lines and pylons to be retained, adjacent uses, and other factors. The site's relationship with the allocated site HS47 to the southwest (for which application ref: 2019/92787 is currently under consideration), and the allocated site MXS5 to the west (for which no application has been submitted) have also informed the proposals.

10.26 The proposed development would have four main physical components:

- an employment area set within the site's east-west depression between the site's Leeds Road vehicular entrance and Dogloitch Wood;
- a large residential area accommodating most of the development's dwellings, with character areas ("The Pasture", "The Ridge", "Hill Top" and "The Lowlands") identified within;
- an area close to Leeds Road, accommodating the primary school, local centre, multi-use games area, allotments and other uses; and
- a further residential area, accommodating up to 181 dwellings, to the north of the employment area, between Dum Wood and the Leeds Road / Heybeck Lane junction.

10.27 Separation of the development's two main uses (residential and employment) is proposed, with the applicant's plans showing swathes of open space and landscaping between these uses, and two separate primary roads (with restrictions preventing HGVs moving into the main residential area) serving them. This is considered appropriate.

- 10.28 Much of the proposed development involves the provision of residential accommodation. With up to 1,535 dwellings proposed, and around half of the proposed coverage given over to that use, it is essential that early thought be given to placemaking, to avoid the creation of a monotonous, anonymous, characterless, illegible anytown development that misses opportunities to create a vibrant, safer, legible, well-connected, convivial and attractive place to live and visit.
- 10.29 It is accepted that the level of detail submitted at outline application stage would not normally include all of the information needed to demonstrate that the above design objectives have been met. However, the applicant's parameter plans, indicative plan and supporting information provide enough assurance at this stage that sufficient and careful thought has gone into the proposals for which outline approval is sought. The applicant's consideration of connectivity, character areas, building heights and density (among other matters) in particular is encouraging, as are the references to character being influenced by the site's topography, and routes being influenced by topography and existing green and blue infrastructure. This commentary provides a degree of confidence in relation to placemaking, and assurance that the proposed development would, to an extent, be worked into (and would work with) the site and its existing features, and would not be parachuted in. Although the preparation and securing of design codes has not been agreed by the applicant, it is considered that, with appropriate conditions and ongoing masterplanning, high quality development can be secured at this site.
- 10.30 A density plan is included among the applicant's indicative plans. This suggests a range of densities across the Leeds Road site, with lower densities (25 to 35 dwellings per hectare) appropriately proposed at the site's southern edge, and higher densities (35 to 45 dwellings per hectare) towards the local centre. It is accepted that variations in density can assist with placemaking and creating a legible neighbourhood – a crescendo of density would reference the patterns of development commonly found (and recognisable) on approaches to a centre. At Reserved Matters stage, the proposed development's densities should be informed by these patterns, adjacent densities and character, the amount of developable land and the indicative site capacity set out in site allocation MXS7, the need for efficient and effective use of land, and Local Plan policy LP7 which refers to a net density of at least 35 dwellings per hectare (where appropriate).
- 10.31 The applicant's Landscape and Visual Impact Assessment illustrates and assesses the proposed development's impacts on 11 key views that had previously been agreed with officers, and impacts on aspects of the area's character. A range of impacts are noted, ranging from moderate beneficial to major adverse. Chapter 7 of the Environmental Statement concludes by stating that, despite its transformative nature, the proposed development could be incorporated into the surrounding landscape context without major harm to landscape character and fabric, notwithstanding the loss of agricultural land. Officers' assessment of the landscape impacts of the proposed development are ongoing.

## Conservation

- 10.32 There are few designated heritage assets close to the site, however impacts need to be assessed nonetheless. A Heritage Desk-Based Assessment and a Geophysical Survey Report were included in the applicant's Environmental Statement.
- 10.33 It is considered that the proposed development would not cause material harm to the settings of the few above-ground designated heritage assets that exist in the area surrounding the application site. The significance of non-designated heritage assets (such as the unlisted water tower on Chidswell Lane) would be affected to degree by the changes to their settings, however these impacts are not considered so great as to warrant refusal of planning permission. Historic England did not wish to make comments on the Leeds Road application.
- 10.34 Regarding archaeology, site allocation MXS7 notes that an archaeological site exists nearby. The West Yorkshire Archaeology Advisory Service have been consulted on the applications, and their comments are awaited.

## Infrastructure requirements and delivery

- 10.35 A major development of this scale, and in this location, would require significant infrastructure to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts.
- 10.36 As noted in the previous position statement, works and provisions related to infrastructure would, or may, include site investigation, stabilisation and remediation (including in relation to the site's coal mining legacy), formation of development platforms, provision of new roads and junctions, signalisation works, new cycle routes, new footways and footpaths (and diversions and improvements to existing footpaths), the required two form entry primary school, playspaces, sports and recreation facilities, other social infrastructure, allotments, landscaped areas, ecological enhancement, other green infrastructure, public realm works, surface water drainage, utilities (water, sewerage, electricity, gas, and telecommunications including fibre broadband), electricity substations, decentralised energy (energy centre and distribution network), work related to the retained pylons, noise and air quality mitigation. Temporary, between-phase, infrastructure may also be required.
- 10.37 It is crucial that these infrastructure requirements are identified at an early stage, and it is important to ascertain when these works and provisions are required (phased delivery of some works may be appropriate), their costs, and who would be responsible for their delivery.

10.38 Limited information has been submitted by the applicant regarding infrastructure at this outline application stage. The submitted indicative phasing and infrastructure plan includes no detail regarding responsibilities and timing of infrastructure delivery. The applicant has, however, consulted with potential infrastructure delivery partners, and has considered different infrastructure delivery models. An Infrastructure Delivery Plan was shared with officers at pre-application stage – this asserted that infrastructure would largely be the responsibility of future developers of the site, albeit in some cases provided via a joint venture with the applicant. Discussions between the applicant and officers regarding infrastructure provision are ongoing, and further details of responsibilities are expected to be set out in Section 106 planning obligations.

10.39 The provision of social infrastructure, including in relation to education, GP and dental provision, is considered elsewhere in this position statement.

#### Employment element

10.40 Noting site allocation MXS7's indicative employment capacity of 122,500sqm, the need to provide space for small and medium-sized enterprises (as well as major employers), the applicant's suggestion that up to 2,500 jobs would be provided, and the council's intention to ensure this site serves as a key contributor to the council's economic growth aspirations, a range of employment uses and unit sizes should be provided at this site.

10.41 The applicant's indicative masterplan suggests an indicative range of unit sizes would indeed be provided – these would include large footprint buildings towards the centre of the site, and several smaller (and partitionable) units.

10.42 Officers have advised the applicant that B8 (storage and distribution) floorspace would need to be limited, that this is not an appropriate location for non-ancillary offices, and that a strong response to the Kirklees Economic Strategy's emphasis on advanced manufacture and precision engineering is expected. High numbers of quality, skilled jobs and apprenticeships would be expected (details of these would be considered further at Reserved Matters stage and/or when occupants are identified, having regard to Local Plan policy LP9), opportunities for local employment should be maximised, and space for expansion (without having to relocate) of businesses within the site is needed for sustainability and business continuity reasons. Members have additionally suggested that an on-site modular housing construction facility could be provided.

10.43 For the proposed development's employment element, the applicant does not intend to fix the proportions of uses at outline application stage, however for the purposes of assessing impacts (including in relation to transport) the applicant has referred to an indicative split of:

- B1(a) Office Use: 18,375 sq. m. (GEA);
- B1(c) Light Industrial Use: 12,250 sq. m. (GEA);

- B2 General Industrial Use: 30,625 sq. m. (GEA); and
- B8 Warehousing: 61,250 sq. m. (GEA).

10.44 This split does not reflect the 50% B2 use, 25% B8 use, 15% ancillary offices, and 10% B1b and c use split discussed at pre-application stage, which was considered appropriate for informing the relevant assessments.

10.45 Comments from relevant officers, and from the West Yorkshire Combined Authority, have been sought in relation to the proposed employment element.

#### Residential element

10.46 Limited detail of the proposed development's residential element has been provided at this outline application stage, however as noted above the proposed number of dwellings is compliant with site allocation MXS7, and the applicant's submission documents provide some assurance that a high quality residential development would be brought forward. Regarding the quality and amenity of the proposed residential accommodation, there is currently no evidence to suggest that dwellings would not be adequately provided for.

10.47 The mix of unit sizes would not be set at outline application stage. Any unit size mix proposed at Reserved Matters stage would be required to respond to the latest Kirklees Strategic Housing Market Assessment and known need in accordance with Local Plan policy LP11. Unit sizes would be expected to comply with the Government's Nationally Described Space Standards (March 2015, updated 2016) or any update to that guidance that might apply at Reserved Matters stage.

10.48 At this outline application stage no information regarding tenures has been provided by the applicant. Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. At Reserved Matters stage, more detail of the development's affordable housing provision would be required, in particular in relation to tenure and the locations of the dwellings. 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.

10.49 The applicant has considered locations for specialist residential accommodation, which may include homes for retirement or sheltered living and/or an Extra Care facility. The applicant's indicative site layout plan annotates a "potential location for retirement accommodation / assisted living" adjacent to the proposed local centre. This is considered an appropriate location for such accommodation.

10.50 Dementia-friendly design and opportunities for inter-generational interaction would need to be included in the proposed development, and would be detailed at Reserved Matters stage.

- 10.51 Local Plan policies LP11 and LP24 require all proposals for housing to be of a high quality and design, providing a high standard of amenity for future and neighbouring occupants. There are constraints, or potential constraints, on residential development in certain parts of the site (including in relation to noise, odour, flood risk and the amenities of existing neighbouring properties) that would need to be addressed at Reserved Matters stage to ensure compliance with these policy requirements. Careful construction management would be necessary, to ensure the amenities of neighbouring residents and occupants of early phases are not significantly affected.

#### Highway and transportation issues

- 10.52 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.
- 10.53 Paragraph 108 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 109 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.
- 10.54 Under the current applications, access is the only matter not reserved. For the avoidance of doubt, and given that relevant legislation defines “access” as “the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes...” (therefore, it can include access through a site), the applicant included an “access” plan among the parameter plans that would be approved at this outline stage. This shows the five vehicular access points proposed, as well as the broad routes of residential and employment spine road corridors. Other details of access through the site are only illustrated indicatively.
- 10.55 The proposed residential spine road would align with a further stretch running through the adjacent allocated site HS47, currently proposed under application ref: 2019/92787. Once complete, a vehicular connection between Owl Lane and Leeds Road would be provided, enabling access to Owl Lane (the B6128) which in turn connects to the M1 (via the A638) and the M62 (via the A653). This spine road would also serve the proposed primary school and local centre. Access to and through the adjacent site HS47 is indeed required, and site allocation MXS5, for the adjacent site to the west, requires the provision of access through that site to site MXS7 (an allowance for this is annotated on the applicant’s “access” parameter plan).

- 10.56 The other spine road would serve the employment uses, and would form a long loop accessed from the site's existing vehicular site entrance on Leeds Road. A short road connecting these two primary spine roads, but preventing HGV movements into the main residential area, is also proposed.
- 10.57 The smaller residential area at the north (Heybeck Lane) end of the site would have a separate, new vehicular access from Heybeck Lane.
- 10.58 Existing residential properties at 39 Heybeck Lane, 1010, 1012, 1014, 1016 and 1062 Leeds Road and 97 Chidswell Lane would be demolished to make way for the proposed vehicular entrances, as would buildings at Chidswell Farm.
- 10.59 Existing public footpaths would largely be retained (some minor diversions are proposed), and new footpaths, footways and cycle routes would be created throughout the site.
- 10.60 Existing highways conditions around the site must be noted. The site has an existing vehicular access point off Leeds Road (the A653, which is a dual carriageway with marked cycle lanes and a grassed central strip along this stretch), between numbers 1060 and 1062. A dropped kerb and a bus stop exist at this access point. Bus services to Dewsbury, Huddersfield, Leeds and Wakefield are available from Leeds Road. The part of Chidswell Lane (that the application site red line boundary meets) has signage indicating it is unsuitable for heavy goods vehicles, has a substandard footway on the west side of its carriageway (although improvements are currently proposed under application ref: 2019/92787), and lacks central white line markings for much of its length outside the site. There is a single, gated vehicular access on Chidswell Lane opposite Chidswell Farm.
- 10.61 The site can also be accessed by pedestrians from Chidswell Lane, Leeds Road and Heybeck Lane via several public footpaths, including BAT/49/10, BAT/50/10, BAT/50/20, BAT/51/10, BAT/51/20, BAT/51/30, BAT/52/10, DEW/146/10, DEW/150/10, DEW/151/10, DEW/151/20 and DEW/151/30. These public rights of way continue across the site. There are also informal paths within the site and through the adjacent woodlands. Parts of the Core Walking, Cycling and Riding Network pass through the site along existing public rights of way.
- 10.62 Future infrastructure improvement projects are relevant to the consideration of the applications for outline planning permission. Of particular relevance, a scheme of major capacity improvements to the Leeds Road / Challenge Way / John Ormesby VC Way junction (the Shaw Cross junction) has been designed by the council. This followed on from work on 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). The Transpennine Route Upgrade is intended to deliver faster, more frequent and more reliable services along the route that serves Dewsbury and Batley stations (the two stations nearest to the site). New and improved routes for pedestrians and cyclists would be secured in connection with current application ref: 2019/92787.

- 10.63 At this stage it is not known whether any new bus services would be provided to serve the proposed development, or whether existing bus routes may be diverted or extended through the site, however the residential spine road (where it passes through site HS47) has been designed to accommodate buses, and its continuation through site MXS7 is required to be similarly designed and specified.
- 10.64 Although a new roundabout is proposed at Owl Lane under application ref: 2019/92787, for the adjacent proposals currently under consideration at outline stage, it is accepted that signalised junctions, rather than roundabouts, are appropriate for the five vehicular access points proposed (including the new junctions on Leeds Road), as these would enable better control of traffic flows, would provide better pedestrian access, would require less land, and would address topographical constraints.
- 10.65 Site allocation MXS7 notes that additional mitigation on the wider highway network will be required in connection with the proposed development, as there is potential for significant impacts upon the Strategic Road Network. The proposed development would contribute towards additional traffic at junction 28 of the M62 and junction 40 of the M1. Highways England have submitted a holding objection, noting that work is ongoing to assess the cumulative impacts of this and other major developments (including schemes in Leeds), and that outline planning permission should not be granted until this work is completed. Of note, the proposed development is likely to be required to contribute toward motorway junction capacity improvements, however the scale, nature and cost of these improvements, and how responsibilities would be apportioned among the various developers, is not yet known.
- 10.66 Assessment of impacts on the local road network (including the nearest roads in Leeds and Wakefield) is ongoing. The concerns of residents, elected representatives and Leeds City Council regarding traffic impacts are noted.
- 10.67 At this stage, the proposed alignment of the residential spine road raises no significant concerns, nor does its proposed design and capacity. Advice was provided at pre-application stage regarding required carriageway widths and other aspects of this road's design. Meetings have taken place between the applicants for this and the adjacent HS47 site, to agree a design for the future Chidswell Lane / spine road junction.
- 10.68 The applicant has submitted a site-wide "movement" illustrative plan, and pedestrian and cyclist movement has been considered by the applicant in light of the requirements of policy LP21 to encourage the use of sustainable modes of transport, policy LP23 regarding the Core Walking, Cycling and Riding Network, and policies LP20, LP24dii and LP47e which require improvements

to neighbourhood connectivity and opportunities for walking and cycling. Parts of the borough's Core Walking, Cycling and Riding Network (which is intended to provide an integrated system of routes that provide opportunities for alternative sustainable means of travel through Kirklees, and provide efficient links to urban centres and site allocated for development) pass through the application site.

- 10.69 The applicant's proposed layout largely retains existing public footpaths. The proposals would necessitate minor diversions of public footpaths, however any approval of outline planning permission would not result in approval of these diversions – these would require a separate process, application and cost. At Reserved Matters stage the application site red line boundary would need to include any land proposed to be used for diverted public footpaths. Minor diversions may also be required to facilitate development adjacent to the Huntsman PH under application ref: 2020/91451.
- 10.70 Comprehensive and effective travel planning would be required in connection with all of the proposed development's uses, in compliance with Local Plan policy LP20. An appropriate Travel Plan would be secured via Section 106 planning obligations, however a draft has been submitted at this outline application stage – this has been the subject of an extensive review by Highways England, which the applicant is currently considering.
- 10.71 Parking provision would be considered at Reserved Matters stage, and would need to reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership and the council's adopted Highway Design Guide SPD.

#### Flood risk and drainage issues

- 10.72 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy has been submitted as a chapter of the applicant's Environmental Statement. In addition, the applicant's blue infrastructure parameter plan identifies the broad locations for the proposed strategic blue infrastructure, including sustainable urban drainage ponds and underground attenuation which form the basis of the proposed strategic drainage strategy. Of note, the applicant has clarified that swales and localised drainage ponds are excluded from this drawing and would be detailed at a subsequent Reserved Matters stage. Soakaways would be used where practical. Where soakaways are not feasible, the applicant proposed to direct surface water runoff to the watercourses located within and to the east of the site.
- 10.73 The requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, apply. The site has drainage-related constraints in the form of existing watercourses that cross the site.
- 10.74 In relation to drainage and flood risk, the applicant's outline-stage proposals are considered acceptable. Subject to conditions, the Lead Local Flood Authority (LLFA) have not objected to either application, but have confirmed that a fully detailed drainage masterplan would be required prior to Reserved Matters submissions, to ensure an integrated drainage approach is followed. The LLFA have also recommended that a working group be set up to ensure

successful masterplanning in relation to drainage, and officers. Across the site, discharge restrictions based on a greenfield run-off of 5l/s/ha would be appropriate. For the Heybeck Lane site, a discharge rate of 32.4l/s would not be accepted. The ongoing maintenance and management of sustainable drainage systems would need to be secured via a Section 106 agreement.

#### Environmental and public health

- 10.75 The applicant's information regarding the health impact of the development must be considered in accordance with Local Plan policy LP47 and chapter 8 of the NPPF. A Health Impact Assessment has been appended to the applicant's Environmental Statement.
- 10.76 Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. This can be achieved in many ways – air quality mitigation and improvement, facilitation and encouragement of on-site and local outdoor activity, inclusive design, providing opportunities for inter-generational interaction, new and enhanced public footpath and cycle path connections, careful construction management (including dust control) and other measures can be proposed by the applicant and future developers of the site. As per the comments of KC Public Health and other consultees, however, it is noted that many of these matters would be assessed in detail at Reserved Matters stage.
- 10.77 Regarding noise, air quality and odour, Environmental Health officers have noted omissions in the applicant's submissions that would either need to be address at the current outline application stage, or by conditions.

#### Site contamination and stability

- 10.78 Site allocation MXS7 notes the potential presence of contamination at the site. Local Plan policy LP53 states that development on land that is currently contaminated or suspected of being contaminated due to its previous history would require the submission of an appropriate contamination assessment. Where there is evidence of contamination, measures to remediate the land would be required to ensure the contamination does not have the potential to cause harm to people or the environment.
- 10.79 The applicant's Phase 1 Geoenvironmental Desk Study Report provides an in-depth appraisal of the site history and previous surrounding land uses since the 1800s. The Leeds Road site is associated with former mineshafts and associated structure due to historical coal mining activities on and adjacent to the site (the Heybeck Lane site is the former site of the Babes in the Wood Colliery). There are also areas of colliery spoil and demolition waste across the Leeds Road site. In relation to the site's potential shall mine workings and mine entries, ground gas, metals, polycyclic aromatic hydrocarbons and asbestos have been identified by the applicant's consultant as possible contaminants of concern. The report concludes by recommending a Phase II investigation including but not limited to the installation of gas monitoring

standpipes and monitoring for a minimum of twelve visits over six months, soil sampling and laboratory analysis, and rotary borehole investigations to assess the site's coal mining legacy.

- 10.80 For both applications, Environmental Health officers are satisfied with the Phase I report and its recommendations, and have raised no objection on site contamination grounds, subject to conditions being applied.
- 10.81 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards.
- 10.82 For the Leeds Road site, the applicant's Coal Mining Risk Assessment refers to a range of information sources, and asserts that there is currently a moderate to high risk to the proposed development related to recorded and historic unrecorded mine workings, opencast workings and the presence of three recorded mine entries. Therefore, in order to mitigate the risks, the applicant's consultant has appropriately recommended that intrusive ground investigations and gas monitoring be carried out in order to confirm the exact ground conditions present within the site, including the location and condition of the recorded mine entries.
- 10.83 The Coal Authority has advised that, as part of these investigations, the depth to rock head adjacent to these mine entries should be established – this would enable the applicant's consultant to calculate the zone of influence (and no-build exclusion zone(s)) of all mine entries found present within the site, and this can in turn inform the layout of the development to ensure that adequate separation between buildings and the mine entries is incorporated.
- 10.84 The findings of the site investigations should inform the extent of remedial or mitigatory measures required to ensure that the development will be safe and stable. The nature and extent of the ground investigations / treatment works will require further consent from the Coal Authority prior to commencement of these works.
- 10.85 For the Heybeck Lane site, the Coal Authority's records indicate the presence of recorded shallow coal mining within the south eastern corner of the site, and two recorded mine entries (one on-site, one off-site). Thick coal seam outcrops (that may have been historically worked at shallow depths by illicit means) are present within the northern half of the site.
- 10.86 Again, the applicant's Coal Mining Risk Assessment refers to a range of information sources. It asserts that there is currently a high risk to the development related to surface instability and mine gas hazards due to the presence of both recorded and unrecorded shallow coal workings and the two recorded mine entries. In order to establish the exact ground conditions present beneath and within the application site, the applicant's consultant

appropriately recommends that intrusive site investigation in the form of rotary boreholes and trial trenching is required. The Coal Authority has again advised that this investigation should establish the depth to rock head adjacent to these mine entries, that the zone of influence (and no-build exclusion zone(s)) of all mine entries would be calculated, and that this in turn would inform the layout of the development.

- 10.87 The applicant's consultant goes on to note that, in the event that workings have taken place, consolidation or stabilisation of these (with a drill and grout programme) would be required. In addition, should the mine entries be found within the site, these too would also need to be stabilised (with grout fill, concrete capping or other solution). The recommended ground investigations and any subsequent treatment works will require the Coal Authority's written consent prior to commencement of these works.

#### Ecological considerations

- 10.88 Part of the site contains a Habitat of Principal Importance, and part is within a Site of Special Scientific Interest Impact Risk Zone. The site is also within the Wildlife Habitat Network. Dogloitch Wood and Dum Wood are Local Wildlife Sites and are habitat-rich ancient replanted woodlands. Several hedgerows within the site provide valuable habitats.
- 10.89 Chapter 15 of the NPPF and Local Plan policy LP30 apply. Of particular note, paragraph 170 of the NPPF requires the proposed development to achieve a biodiversity net gain.
- 10.90 The applicant's green infrastructure parameter plan and other supporting documents confirm that existing assets (trees and hedgerows) would largely be retained. The applicant has stated that a biodiversity net gain could be achieved by the proposed development, and that this would evolve through a detailed scheme at Reserved Matters stage. Of note, although current planning policies do not specify what net gain should be achieved by major developments, a 10% net gain is likely to become mandatory in the future, should the Environment Bill be passed.
- 10.91 The applicant's ecological submissions were the subject of an extensive review and detailed comments provided by KC Ecology and the Yorkshire Wildlife Trust. Natural England raised no objection to the proposed development. The applicant's initial response to these consultee comments is being considered.

#### Trees and hedgerows

- 10.92 Several Tree Preservation Orders protect trees within and adjacent to site, and ancient woodlands are designated to the east of the site. Local Plan policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity, and proposals should normally retain any valuable or important trees where they make a contribution to public amenity or have other benefits.

- 10.93 As noted above, the proposed development largely retains existing trees and hedgerows, and buffers are proposed adjacent to the ancient woodlands. The applicant's landscaping proposals are currently indicative, however they illustrate potential biodiversity connections across the site.
- 10.94 The applicant's illustrative layout and supporting arboricultural impact assessment demonstrates that the site can be developed while incorporating the existing important trees, woodlands and hedgerows into the, and avoiding adverse impact on these features. Significantly more detail would, of course, be required at Reserved Matters stage.
- 10.95 The effects of the proposed development upon the adjacent ancient woodlands (Dum Wood and Dogloitch Wood, which are Local Wildlife Sites and are habitat-rich ancient replanted woodlands) have been raised by several residents in their representations, and in submissions from organisations including the Woodland Trust. At pre-application stage, the applicant was advised to design in buffers adjacent to the ancient woodlands, comprising a zone of semi-natural habitat (15m deep at least) between the proposed development and the ancient woodland or tree. The applicant was also advised that a zone of at least 15 times the diameter of a veteran tree or 5m from the edge of its canopy (whichever is greater) should be proposed, and that open space should be designed around veteran trees (including trees that could become veteran in the future). Noise reduction measures adjacent to ancient woodlands, and screening barriers to protect ancient woodland and veteran trees from dust and pollution during construction works, were also discussed.
- 10.96 The applicant's Design and Access Statement confirms that 20m wide buffer zones are proposed around the perimeter of Dum Wood and Dogloitch Wood, and a 15m wildlife corridor provides a link between the two, along the site's eastern edge.
- 10.97 Further consideration and discussion with the applicant regarding woodland management would be necessary. There are already informal paths through Dum Wood and Dogloitch Wood, and there is a risk that an increased (and closer) local population would place further pressure on these ancient woodlands. Controlled access and management could, however, enable a greater number of people to enjoy these woodlands. Although outside the application sites' red line boundaries, both woodlands are within the ownership of the applicant.
- 10.98 In the more detailed designs to be brought forward at Reserved Matters stage, Green Street principles would need to be adhered to. Sufficient space should be allowed for in new roads, and these principles would need to be accounted for in any assessment of infrastructure requirements. Detailed designs, showing Green Streets principles followed in full, would be required at Reserved Matters stage.

10.99 The applicant's green infrastructure parameter plan confirms that existing trees would be retained and supplemented with new green swathes that would include tree planting. The council promotes the White Rose Forest initiative, which is intended to greatly increase tree cover within the borough, and this large site presents an opportunity to significantly contribute towards that objective.

#### Planning obligations and financial viability

10.100 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary. Heads of Terms are yet to be finalised and agreed with the applicant (some are dependent on the outcome of further assessment and subsequent consultee responses), but are likely to relate to:

- Infrastructure works and provision.
- Works and contributions required to mitigate highways and transportation impacts.
- Provision of a two form entry primary school. Delivery trigger likely to relate to completion of a certain number of dwellings.
- Education contributions (to be calculated once numbers of units and size mix is known).
- Early years and childcare provision.
- Open space, including playspaces, ongoing management and maintenance responsibilities (including in relation to allotments), and contributions towards playing pitches/fields in the local area.
- 20% affordable housing, to accord with Local Plan policy LP11.
- Provision and maintenance of drainage systems.
- Sustainable transport (including Travel Plan implementation and monitoring).
- Decentralised energy.

10.101 Contributions, responsibilities for them (and for other obligations), their timing and triggers, how they would be apportioned, and which would be secured at outline and Reserved Matters stages, are being considered

10.102 The above obligations are potentially significant, and together with the costs associated with on-site infrastructure, drainage and addressing the application site's topography and coal mining legacy, would need to be given careful consideration by the applicant prior to the sale of (parts of) the site to developers. These costs would need to be reflected in the application site's purchase price, to ensure that any future developer will not overpay for the site and then attempt to argue that these costs were unanticipated and that affordable housing or other necessary mitigation is not viable. The application site was promoted for allocation and development by the current applicant, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the application site's development costs, and having regard to consultee responses (which any developer should make themselves aware of before purchasing the site or parts of it), the council is unlikely to entertain a future argument that residential

development at this site is unviable. Should any such argument be made in the future, the council can and will have regard to paragraph 57 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

- 10.103 The applicant has advised that the proposed development's viability may be reviewed once all costs associated with the development (including the costs of improvements to the strategic road network) are known.

#### Phasing and delivery

- 10.104 The applicant has submitted an indicative phasing plan, which suggests that the employment element would be brought forward subject to market demand, and that the residential area close to the site's western boundary and the primary school and local centre would be constructed in an early phase.

- 10.105 It is accepted that precise phasing cannot be fixed at this outline stage, as the applicant (and future developers of the site) may be bound to an extent by off-site matters beyond their control, such as highway infrastructure improvements to be delivered by other parties, and progress at the adjacent site ref: HS47. Notwithstanding these limitations, phasing of development at this site should be organised to minimise impacts on existing residents, and on residents of the development's early phases, as far as is possible. The timely delivery of the new primary school and other on-site infrastructure needed to support the development is also essential.

- 10.106 At pre-application stage, the applicant anticipated a development programme of 15 to 20 years.

- 10.107 Of relevance to delivery, the applicant chose to submit two applications for outline planning permission – one for the larger (Leeds Road) part of the site, and one for up to 181 dwellings proposed at the north (Heybeck Lane) end of the site. This is intended to respond to a query raised by the Local Plan Inspector as to whether early delivery of housing at part of the site could be demonstrated.

#### Representations

- 10.108 The volume of objections and their content is noted. These, and the representations made by elected representatives, are material considerations that must be given due weight when the current applications are determined.

#### Other matters

- 10.109 Comments regarding the adequacy and timing of the applications (and the council's consultation on them) are noted, however additional time has been added to the initial consultation period in light of the Covid-19 epidemic (and,



in fact, representations are still being accepted), the consultation requirements of the EIA Regulations were complied with, and the council's application publicity went further than the statutory requirements and the commitments set out in the council's adopted Statement of Community Involvement.

10.110 Should outline planning permission be granted, it is not considered that a precedent would be set for development on green belt land in the future.

10.111 Financial gain to be made by the developer is not a material planning consideration.

10.112 The impact of the proposed development on property values is not a material planning consideration.

## **11.0 CONCLUSION**

11.1 Members to note the contents of this report.

