
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 27-Jan-2021

Subject: Planning Application 2019/92787 Erection of 260 dwellings with open space, landscaping and associated infrastructure Land at Owl Lane, Chidswell, Dewsbury

APPLICANT

Barratt Homes

DATE VALID

29-Aug-2019

TARGET DATE

28-Nov-2019

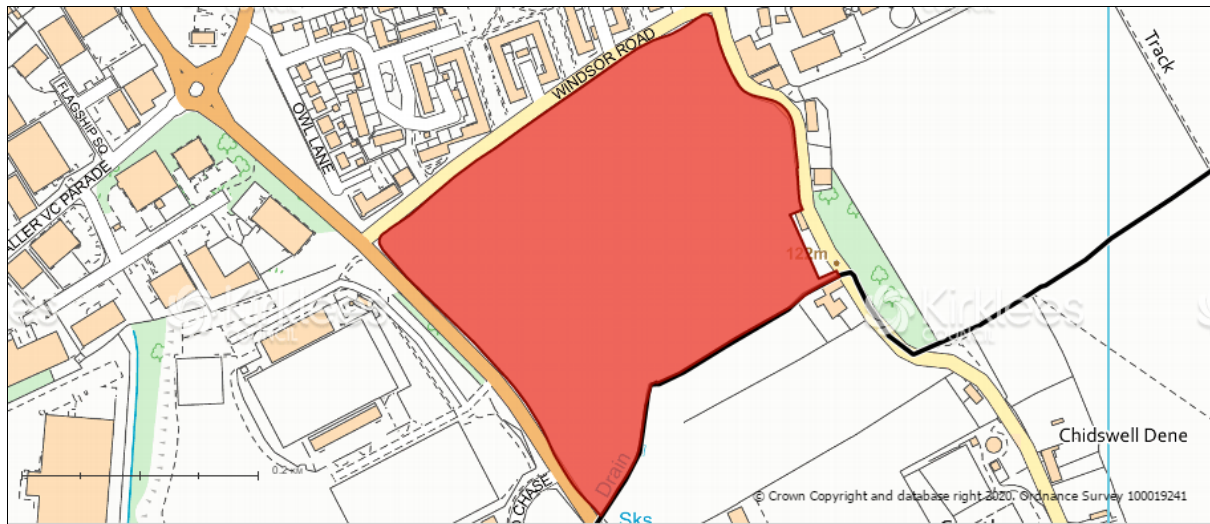
EXTENSION EXPIRY DATE

12-Feb-2021

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

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Dewsbury East

Ward Councillors consulted: Yes

Public or Private: Public

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- 1) Affordable housing – 52 affordable housing units (75% (39 units) Discounted Market Sale, 25% (13 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £382,786 to address shortfalls in specific open space typologies.
- 3) Education – Contribution required (amount to be confirmed).
- 4) Highway improvements – Contribution of £200,000 towards Shaw Cross junction improvements, and provision or funding of cycle lane linking the site to Challenge Way.
- 5) Chidswell Lane / spine road junction – Funding of future works to junction when development at site MXS7 is brought forward. No ransom scenario to be created. Northern section of Chidswell Lane to be stopped up and provided with a turning heard. Signed restrictions on right and left turns to be provided. Contribution towards monitoring of effectiveness of signed restrictions, and later works if necessary.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the mitigation and benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

1.0 INTRODUCTION:

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.

- 1.2 A position statement relating to this application was considered by the council's Strategic Planning Committee on 24/10/2019. At that time, 252 residential units were proposed in a different layout.
- 1.3 Subsequent to that meeting, the proposed development was amended, a second public consultation exercise was carried out by the council, and further representations were received.
- 1.4 A report relating to this application was considered by the council's Strategic Planning Committee on 28/10/2020. At that time, 280 residential units were proposed. At that meeting it was resolved to defer the committee's decision for the following reasons:
- Highways – More information and assessment, including in relation to Owl Lane / Chancery Lane roundabout, accident data, details of spine road / Chidswell Lane junction, and cycle provision.
 - Drainage – LLFA comments to be addressed and full drainage solution to be submitted.
 - Affordable housing – To be better distributed around the site.
 - Unit sizes – Improvement required in relation to Nationally Described Space Standard.
 - Noise – Details of mitigation measures relating to Dewsbury Rams and car boot sale noise.
 - Light pollution – Details of measures to address potential amenity impacts caused by lighting at Dewsbury Rams ground.
 - Air quality – Details of mitigation measures required.
 - Ground conditions – Further investigation into combustible soils required.
 - Biodiversity – Details of measures to achieve net biodiversity gain required.
 - Apprenticeships – Confirmation that Dewsbury College would be involved.
 - Maintenance – Clarification as to who would maintain open space and hedgerows.
- 1.5 Following the Strategic Planning Committee's deferral, the applicant amended the proposals. 260 residential units are now proposed.
- 1.6 Paragraph 10.1 onwards of this report summarises how the applicant has responded to the reasons for deferral, and more detailed consideration of the amendments and further information is provided in subsequent sections.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 7.98 hectares in size and is allocated for housing in the Local Plan (site allocation ref: HS47). The site is bounded by Owl Lane (the B6128), Windsor Road and Chidswell Lane on its southwest, northwest and east sides, and the site's southern edge meets the Kirklees/Wakefield borough boundary.

- 2.2 The site is greenfield and is currently in agricultural use. To the north are residential properties on the opposite side of Windsor Road. To the east are the buildings of Chidswell Farm, its farm shop and The Huntsman PH. Boundary End Cottage abuts the site at its east corner. To the west is the relatively recent Amberwood Chase residential development and the grounds of Dewsbury Rams Rugby League Football Club.
- 2.3 The site generally slopes downhill from north to south. The site's lowest point is at its south corner (approximately 105m AOD), and its highest point is at its north corner opposite Chidswell Farm (approximately 124m AOD).
- 2.4 No part of the site is within a conservation area, and there are no listed buildings within the site. The water tower at Gawthorpe Reservoir is an important local landmark to the southeast of the site (within Wakefield borough). The site has some landscape sensitivity resulting from its location, surrounding topography, and visibility from surrounding locations.
- 2.5 No trees within or immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Adjacent land to the south, within Wakefield borough, is green belt. The site is within a Biodiversity Opportunity Zone (Pennine Foothills) and an Impact Risk Zone of a Site of Special Scientific Interest.
- 2.6 The site's existing boundaries are dry stone walls, fenceposts-and-wire, and hedgerows.
- 2.7 No public rights of way cross the site, however public footpath DEW/146/10 meets Chidswell Lane to the east.
- 2.8 Part of the site is within a Development High Risk Area as defined by the Coal Authority.
- 2.9 The site is with the North Kirklees Growth Zone, which identifies Chidswell as a major strategic employment location for the City Region, and a location for over 1,500 new homes.
- 2.10 Adjacent sites are also allocated for development in the Local Plan. To the northeast, site MXS7 (land at Leeds Road) is allocated for mixed use development (housing and employment). To the southwest, site HS52 is allocated for housing – this is the site of the Amberwood Chase development.
- 2.11 A pre-application position statement for site MXS7 was presented to the Strategic Planning Committee on 11/07/2019. Applications for outline planning permission for mixed use development at that site are currently under consideration (refs: 2020/92331 and 2020/92350), and a further position statement was considered by the Strategic Planning Committee on 17/11/2020.
- 2.12 On 14/12/2020 planning permission was granted for the erection of two dwellings adjacent to The Huntsman PH (ref: 2020/91451).

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 260 residential units. These would be provided either side (to the north and south) of a spine road that would run east-west across the site between Owl Lane and Chidswell Lane.
- 3.2 A new roundabout would be created at the spine road's junction with Owl Lane. The spine road would meet the footway of Chidswell Lane, but for the time being a vehicular connection would not be made – the spine road would be continued eastwards in the future as part of the development of the adjacent site MXS7. Private driveways and shared drives are proposed off this spine road, and off Windsor Road and Chidswell Lane. Pedestrian connections are proposed to Windsor Road and Owl Lane. Off-street car parking is proposed in private driveways and garages, and in parking courts. Along the spine road the applicant proposed 3m wide shared cycle/footways, separated from the carriageway by a soft landscaped verge.
- 3.3 The 260 residential units would include 52 affordable housing units comprising 14x one-bedroom apartments, 26x two-bedroom houses and 12x three-bedroom houses. The development's private element would comprise one one-bedroom house, 37x two-bedroom units (including five flats-over-garages), 126x three-bedroom houses and 44x four-bedroom houses. The 52 affordable housing units represent a 20% provision.
- 3.4 Two areas of open space would be provided close to the centre of the site, either side of the new spine road. The northern space would meet Windsor Road, and would accommodate a playspace. A third open space would be provided at the site's southern corner.
- 3.5 Dwellings would be detached, semi-detached, or provided in short terraces or as apartments. 17 house types are proposed, along with four apartment types. Most buildings would be two storeys in height, with three-storey dwellings proposed in some locations. The proposed materials include red and buff brick, artificial stone, and grey and red roof tiles. Boundary treatments would include brick walls, railings and timber fencing.
- 3.6 The applicant intends to dispose of surface water via an attenuation tank beneath the southernmost open space, from which water would be discharged at a controlled rate to the existing watercourse to the south. Foul water would be disposed of via the existing combined sewer beneath Owl Lane.
- 3.7 The applicant is Barratt Homes.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 94/91111 – Planning permission granted 10/08/1994 for the change of use of agricultural land at Chidswell Farm to a 20-bay golf driving range with associated driving range building and car park area. Permission subsequently renewed on 02/12/2004 (ref: 2004/94789).

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

5.1 The applicant requested pre-application advice from the council in January 2018 (ref: 2018/20087) in relation to a residential development of 279 homes with a layout different to that currently proposed. Officers met with the applicant team on 20/08/2018, and written advice was provided on 19/10/2018. That written advice included the following points:

- Residential development will be acceptable in principle at this site once the Local Plan is adopted.
- Application should only be submitted after adoption of the Local Plan.
- Engagement with owners of adjacent proposed site allocation is appropriate.
- Site is within a Development High Risk Area and liaison with the Coal Authority is therefore appropriate.
- Emerging Local Plan policy includes a policy regarding mineral extraction.
- Amendments to point of access and alignment of roundabout necessary. Roundabout with four arms (incorporating access to Dewsbury Rams ground) would be appropriate.
- Segregated cycle/footway needed, particularly along Owl Lane.
- Grass verges should be planted to improve street scene and biodiversity.
- Layout should be futureproofed to allow for buses.
- Guidance provided on design of spine road. 6.75m carriageway needed.
- Concern regarding lack of active frontages to spine road.
- Proposed layout lacks a well-defined hierarchy of streets, lacks legibility, has parking dominating some frontages, and raises other design concerns.
- Proposed development appears too dense in places.
- Building for Life assessment should be provided.
- Green Streets principles should be followed.
- Affordable housing should be spread across the site.
- Open space should be more centrally positioned.
- Landmark buildings should be proposed.
- Further technical advice relayed, along with advice on required application submission documents.

5.2 The applicant team subsequently amended the proposals, and draft layout drawings were submitted informally on 03/07/2019 and 01/08/2019. The applicant team met officers on 24/07/2019 and Members (Cllr Kane and Cllr Lukic) on 14/08/2019. Further pre-application advice was emailed to the applicant team on 09/08/2019 and 16/08/2019. That written advice included the following points:

- Proposed layout has improved. The general approach to layout (including, mostly, perimeter blocks) is welcomed.
- Proposed shortfall in units (251 were proposed) is of concern, given the site's indicative capacity of 280. There is scope for changes to the proposed layout and typologies in order to increase unit numbers.
- Apartments, in blocks of two or three storeys, would be appropriate.
- Excessive elevation-to-elevation distances along the spine road.

- Queried whether thought had been given to running an estate road along the south edge of the site.
- Provision of two central areas of open space either side of the spine road is welcomed. Measured area figures for all of the proposed open spaces requested.
- All streets should be designed with regard to Green Streets principles.
- All units should meet the Government's Nationally Described Space Standard.

5.3 The applicant held a public consultation event at Dewsbury Rams Rugby League Football Ground on 18/07/2019.

5.4 The applicant's initial application-stage proposals were not significantly different to those pre-application proposals considered by officers in August 2019 (and to which the above pre-application advice related). Upon submission of the current application, however, the applicant expressed a willingness to amend the proposals during the life of the current application, once consultee responses were received.

5.5 During the life of the current application, appendices to the applicant's Transport Assessment were submitted on 03/10/2019, and a Health Impact Assessment was submitted on 21/10/2019. Archaeological information was submitted on 14/10/2020. Most significantly, on 14/05/2020 the applicant amended the proposals, resulting in a residential scheme of 280 units, with a revised layout, and a revised unit size and tenure mix. An amended roundabout and spine road design, along with supporting highways information, was also submitted.

5.6 Following the Strategic Planning Committee's deferral on 28/10/2020, the applicant amended the proposals and submitted further information. On 24 and 26/11/2020, the applicant provided written submissions relating to environmental health matters. Drainage information was submitted on 17/12/2020. Drawings of the spine road / Chidswell Lane junction were submitted on 04/01/2021. Drawings illustrating an amended scheme of 260 residential units were submitted on 08, 12 and 13/01/2021. A drainage exceedance / flood routing plan was submitted on 15/01/2021. On 18/01/2021 the applicant submitted amended drawings to illustrate revisions to units 163 to 168, and the applicant confirmed the tenure split of the proposed affordable housing.

5.7 Dialogue with relevant parties has been ongoing in relation to the current application. On 09/10/2019 and 12/10/2020 officers met with the applicant team and representatives of the Church Commissioners for England (the applicants for the adjacent site MXS7) to discuss highways matters. Meetings with Highways England, Wakefield Council and other parties have also taken place during the life of the application.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

6.2 The application site is allocated for residential development in the Local Plan (site allocation ref: HS47). The site allocation sets out an indicative housing capacity of 280 dwellings for the site.

6.3 Site allocation HS47 identifies the following constraints relevant to the site:

- Part/all of site is within a High Risk Coal Referral Area.
- Site on potentially contaminated land.
- Noise source near site – noise from road traffic and adjacent rugby ground.
- Site is near archaeological site.

6.4 Site allocation HS47 also identifies other site-specific considerations in relation to access to the adjacent site MXS7, a landscape buffer along the site's southern boundary, masterplanning, and mitigation of highway network impacts.

6.5 Relevant Local Plan policies are:

LP1 – Presumption in favour of sustainable development
LP2 – Place shaping
LP3 – Location of new development
LP4 – Providing infrastructure
LP5 – Masterplanning sites
LP7 – Efficient and effective use of land and buildings
LP9 – Supporting skilled and flexible communities and workforce
LP11 – Housing mix and affordable housing
LP19 – Strategic transport infrastructure
LP20 – Sustainable travel
LP21 – Highways and access
LP22 – Parking
LP23 – Core walking and cycling network
LP24 – Design
LP26 – Renewable and low carbon energy
LP27 – Flood risk
LP28 – Drainage
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP65 – Housing allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents:

- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Housing Strategy (2018)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Interim Affordable Housing Policy (2020)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Negotiating Financial Contributions for Transport Improvements (2007)
- Providing for Education Needs Generated by New Housing (2012)
- Highway Design Guide (2019)
- Waste Management Design Guide for New Developments (2020)
- Green Street Principles (2017)
- Viability Guidance Note (2020)

6.7 A draft Housebuilder Design Guide SPD, Open Space SPD and Biodiversity Net Gain Technical Advice Note were published by the council in 2020. These have undergone public consultation, but have not been adopted.

Climate change

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

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

National Planning Policy and Guidance:

6.10 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 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 17 – Facilitating the sustainable use of materials.

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

6.12 Relevant national guidance and documents:

- National Design Guide (2019)
- Technical housing standards – nationally described space standard (2015, updated 2016)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)

7.0 PUBLIC/LOCAL RESPONSE:

7.1 The application was advertised as a major development and as development affecting a public right of way.

7.2 The application was advertised via four site notices posted on 12/09/2019, a press notice on 13/09/2019, and letters delivered 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 04/10/2019.

7.3 196 representations were received in response to the council's initial consultation. These have been posted online. The following is a summary of the comments made:

- Objection to loss of green belt land. Loss of recreational and amenity value of this land.
- Loss of quality agricultural land.
- Site should be used for tree planting.
- Children would be unable to learn from nature.
- Development would be urban sprawl. Separation corridor needed. Adverse landscape impacts.
- Development would be unsightly.
- Local landmark (water tower) would be deflected from, changing the historic character of the area.
- Disproportionate concentration of development at Chidswell.
- Cumulative impacts of developments.
- Brownfield-first approach should be applied. Other sites would be more suitable for development.

- Highways objections. Local road network unable to cope with increased traffic. Applicant's assessment focuses on Owl Lane instead of looking at wider area. Owl Lane and Shaw Cross junction already congested. Matches and car boot sales at Dewsbury Rams ground already cause problems. Recent development on Owl Lane has already increased pressure. Proposal would increase traffic pressure on Windsor Road and Chidswell Lane. Chidswell Lane and Gawthorpe will be used to avoid congestion. Impact on operations of nearby businesses.
- Highway safety concerns. Accidents already occur on Owl Lane, and proposals would increase risk. Owl Lane ices over in winter. Cars already speed on local roads. Visibility on Windsor Road is poor.
- No cycle paths or pedestrian crossings proposed. Buses are slow and expensive. Children unlikely to walk to school along busy roads. Residents unlikely to cycle to Dewsbury or Batley due to topography.
- Increased air pollution. Majority of vehicles using 551 parking spaces would not be electric for at least 10 years.
- Increased noise pollution.
- Odour impacts.
- Noise, disruption and other impacts during construction works.
- Loss of privacy to adjacent houses.
- Loss of natural light to adjacent houses.
- Loss of outlook.
- Loss of views across field.
- Inadequate affordable housing. No one-bedroom affordable homes proposed. Homeless people will not be able to afford the new homes.
- Impacts on hospitals, doctors and dentists. Services are already under pressure.
- Impacts on schools. Local schools are already struggling to accommodate children.
- Impact on local social care infrastructure.
- Coal Authority comments are cautionary.
- Site is subject to major flood risk.
- Houses would not be carbon neutral. No solar panels proposed.
- Loss of wildlife and habitats.
- Loss of ancient woodland.
- Adverse impact on quality of life.
- Proposals unfair to residents who have retired to the area.
- Proposals are about making money, with no regard to residents.
- Development of sites far removed from Dewsbury town centre will not assist with the regeneration of the town.

7.4 Cllr Lukic made the following comments on 23/09/2019:

I agree with my constituents who say that this open countryside is not an appropriate location for such large-scale housebuilding, but also understand that this land has been allocated for housing in the Local Plan. As one of the largest housebuilders I expect the applicant to work as good community neighbours if their application is approved. The applicant's agent has told us ward members that our feedback offered prior to submission is under consideration, but I am disappointed that at the time of writing the plans do not appear to have been altered from the version that was presented to us

previously. I have significant concerns about safety, with cycle priority being necessary when crossing side road junctions but not currently shown on the plans. In my opinion the cycle provision on the proposed spine road should be to superhighway standards on this key route between Dewsbury and Leeds. If this application is approved there will also be a relatively short gap in cycle provision between the off-road path on the proposed new spine road and the existing off-road cycle path on Challenge Way. I would like the applicant to commit to fund a safe offroad connection between these routes, preferably to superhighway standards, through a S106 agreement or other appropriate means. From what I can see, this application should generally attract a significantly higher level of contributions for the local community.

7.5 The Chidswell Action Group (CAG) submitted objections to the application, along with a Technical Note (TTHC, October 2019) regarding highways impacts. The main points raised are summarised as follows:

- Cumulative impacts of 11 housing, employment and mixed use allocations must be considered. Developments at these sites would together impact negatively in relation to air quality, water quality, noise, light pollution, and road capacity.
- Density is below 35 dwellings per hectare and does not comply with policy LP7.
- Highways impacts – proposal does not comply with policies LP19, LP20 and LP21. Similar site rejected for allocation due to adverse impact on the traffic network, and same principles and methodology for rejection should apply to application site.
- Design – proposal does not comply with policy LP24a.
- Landscape impact – proposal does not comply with policy LP32, as it does not contribute to current countryside/semi-rural character of the landscape and would contribute to changing this character to built-up/urban.
- Drainage – proposal does not comply with policies LP28 and LP34. Unclear how drainage concerns would be resolved to achieve necessary drainage without harm to the water environment. Cumulative drainage matters have not been considered.
- Biodiversity – proposal does not comply with policy LP30. Preliminary Ecological Appraisal Report is flawed. Bats are present in the area, and West Yorkshire Ecological Services are not referenced in the report.
- Health – proposal does not comply with LP47a, d and h, as loss of agricultural land will decrease ability to produce sustainable food, air quality would be reduced, and pollution and environmental hazards would be increased.

7.6 Responses to these comments are set out later in this report.

7.7 Following the submission of an amended layout and the increase in the proposed number of residential units to 280, a second round of consultation was carried out. Four site notices were posted on 15/08/2020, and letters were sent to residents and interested parties. A further press notice was published on 23/07/2020. 96 further representations were received. These have been posted online. The following is a summary of the comments made:

- Objection to principle of development. Insufficient public consultation on release of green belt site. Brownfield land should be used instead.
- Site and development are unsustainable. Approval would be contrary to council's climate change declaration.
- Cumulative impacts would occur.
- Proposal would enable development of more land to the east.
- Housing not needed. Area has many vacant properties.
- Objection to expansion and merging of settlements.
- Change to local character. Semi-rural Chidswell would become urbanised.
- Adverse visual impact on local area.
- Loss of green space. Outdoor recreation more important during lockdown.
- Loss of agricultural land.
- Inadequate local infrastructure. Schools and nurseries are at capacity. Local dentists, hospitals and GP surgeries are over-subscribed. New infrastructure should be provided prior to development. Suggested education payment would be inadequate.
- Local congestion. Traffic already queues and has difficulty turning in many locations. Rugby ground traffic, car boot sales, tractor traffic and on-street parking make movement difficult. Chidswell Lane should not be used as a main route into site. Junction improvements would simply move problems up the road. Concerns set out in Chidswell Action Group's technical report have not been addressed.
- Safety concerns. Pedestrians are already unable to safely cross roads. Chidswell Lane lacks footway. Accidents have happened on Owl Lane and Chidswell Lane. Direct access from Windsor Road should not be allowed.
- Traffic assessments were carried out during lockdown and school holidays. Results will be unrepresentative.
- Spine road design is of an inappropriate scale for the proposed development.
- Inadequate on-site parking proposed.
- Impacts of heavy construction traffic, including lorries.
- Local public transport inadequate. Travel Plan is unrealistic.
- Local cycling infrastructure inadequate.
- Air quality impacts. Increased carbon dioxide emissions.
- Odour impacts.
- Increased noise.
- New residents may complain regarding noise from existing nearby businesses.
- Adverse impact on mental and physical health.
- Increased risk of flooding.
- Additional sewage would be generated.
- Adverse impact on wildlife. Many species are present locally. Bats reside in nearby buildings.
- Loss of trees.
- Communities in Wakefield and Leeds would also be affected.
- Query whether council has a duty to co-operate with Wakefield Council.

7.8 Cllr Lukic made the further comments (which were omitted from the previous committee report in error) on 26/07/2020, as follows:

I object to this application in its current form due to an issue I have previously raised informally regarding the proposed spine road paths.

The application is not compliant with Local Plan Policy LP20 as it does not encourage cycling. The proposed spine road paths are discontinuous, so cycles proceeding straight on the spine road paths are forced to stop and give way at side street entrances to private vehicles turning in or out. In Policy LP20 cycles are clearly above private vehicles in the user hierarchy, but this proposal encourages the use of private vehicles by giving them inappropriate priority and is therefore not acceptable from a policy perspective.

For the same reason I would argue the application is not compliant with Local Plan Policy LP21 because a discontinuous path is not an effective or safe means for cycles to access the development.

This spine road will form a cycle route between Dewsbury and Leeds. The paths need to run continuous across the side road entrances and vehicles turning in and out of side roads should give way to cycles proceeding straight on. This is part of the design standard for main cycle routes in West Yorkshire such as the Leeds-Bradford City Connect scheme.

I would also argue that separate paths should be provided for cycles and pedestrians as is seen along the City Connect route.

In adopted policies the council wants to encourage walking and cycling and we should be ensuring we get a cycle superhighway-style design for this main link in the cycle network.

Just to add, I have also noticed that there is no safe crossing for cycles at the entrance to the spine road from Owl Lane, this junction needs to be made a safe design for all users.

7.9 On 20/10/2020 Cllr Lukic provided further comments as follows:

As this objection has unfortunately been missed and these specific points not addressed in the report I would be grateful if an update can be provided to the committee prior to the meeting, including my objection and an officer response. I can see two possible resolutions although there may be others:

- Recommend further conditions so that development does not commence until the cycle provision along the spine road and across the new roundabout are redesigned to be fully compliant with LTN 1/20.*
- Or recommend deferral of the decision until the cycle provision has been redesigned.*

7.10 Following the Strategic Planning Committee's deferral of their decision on 28/10/2020, Cllr Lukic provided further comments to officers. These referred to guidance documents and provided suggestions for amendments to the proposals as follows:

Kirklees Highway Design Guide SPD – Page 25, Key Design Driver 3: “Evaluating how cyclists are best provided for in a development should be addressed within the planning application and informed by the detailed guidance for instance within: a) Local Transport Note (LTN) 2/08: Cycling Infrastructure Design...”.

Local Transport Note 1/20 – Page 6, Paragraph 1.2.1-1.2.2: “...Local Transport Note (LTN) 1/20 replaces previous guidance on cycle infrastructure design provided by LTN 2/08, and accordingly LTN 2/08 is withdrawn. LTN 1/20 also replaces LTN 1/12: Shared Use Routes for Pedestrians and Cyclists, and accordingly, LTN 1/12 is now withdrawn. See also Chapter 6, Section 6.5”.

Local Transport Note 1/20 – Page 9, Paragraph 1.6.1 Item 2): “Cycles must be treated as vehicles and not as pedestrians. On urban streets, cyclists must be physically separated from pedestrians and should not share space with pedestrians...”.

Local Transport Note 1/20 – Page 67, Paragraph 6.5.4-6.5.5: “In urban areas, the conversion of a footway to shared use should be regarded as a last resort. Shared use facilities are generally not favoured by either pedestrians or cyclists, particularly when flows are high. It can create particular difficulties for visually impaired people. Actual conflict may be rare, but the interactions between people moving at different speeds can be perceived to be unsafe and inaccessible, particularly by vulnerable pedestrians. This adversely affects the comfort of both types of user, as well as directness for the cyclist. Where a shared use facility is being considered, early engagement with relevant interested parties should be undertaken, particularly those representing disabled people, and pedestrians and cyclists generally. Engaging with such groups is an important step towards the scheme meeting the authority’s Public Sector Equality Duty”.

[Cllr Lukic’s] suggestions for amending the proposed highways to address safety, and other issues:

- *Spine Road*
 - *Current plan shows 2m landscaped verges + 3m shared use facilities either side of the 6.75m carriageway: $3 + 2 + 6.75 + 2 + 3 = 16.75\text{m}$ total highway width.*
 - *I would suggest instead having the verges + 2m footways on either side, + a 3m two-way cycle track along one side: $2 + 3 + 2 + 6.75 + 2 + 2 = 17.75\text{m}$ total width.*
- *Windsor Road and Chidswell Lane*
 - *These streets already have speed cushions.*
 - *Traffic volumes would need checking, but I believe they are low enough to continue with on-carriageway cycling on these streets if the speed limit is reduced to 20mph – refer to Figure 4.1 on page 33 of LTN 1/20.*
 - *Therefore I would suggest a 20mph speed limit on the whole of Windsor Road and Chidswell Lane (including section in Wakefield district), and changing the proposed 3m wide shared-use facility on Windsor Road to a 2m footway – this would help both in quietening motor traffic on these streets and also providing the additional 1 metre space for the spine road.*

- *When stopping up the end of Chidswell Lane at Windsor Road junction, we must ensure that cycle access is maintained as this is an important quieter alternative to Owl Lane.*
- *For the same reason, any turning restrictions imposed in future should not apply to cycles.*
- **Owl Lane**
 - *There appears to be adequate space here to provide a verge, 2m footway and 3m two-way cycle track.*

7.11 Responses to the above comments are set out later in this report.

7.12 Later amendments (made after the above reconsultation and committee deferral) and submissions of information did not necessitate further public reconsultation.

8.0 CONSULTATION RESPONSES:

The following is a brief summary of consultee advice (more details are contained within the assessment section of the report, where appropriate):

8.1 Statutory:

8.2 Coal Authority – No objection to amended layout or increase in unit numbers to 280. Reiterated previous comment: no objection, subject to further commentary (required from applicant team) regarding remedial and/or mitigatory measures – this can be submitted at application or conditions stage. Adequate assessment of the site's coal mining risks has been undertaken. Site falls within the defined Development High Risk Area, therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The site is likely to have been subject to historic unrecorded underground coal mining at shallow depth. The applicant's Phase II Geo-Environmental Report has been informed by an extensive range of geological and coal mining information sources, and the results of intrusive ground investigations (boreholes encountered coal seams at a shallow depth). Its author concluded that, due to the quality of the coal found, the highly fractured ground, and the depth of competent rock cover, the site's coal mining risk from unrecorded workings is negligible to low within the eastern part of the site, but to the west of the site's fault line the risk is moderate. The report author recommended that either a geophysical survey or watching brief is appropriate for the western part of the site. Coal Authority would welcome further commentary from the report author on whether any remedial and/or mitigatory measures are deemed necessary. Proposed layout plan should be compared with findings to illustrate how risk relates to the proposed development. Council should consult with Environmental Health officers in relation to gas monitoring, as report author concluded that no gas protection measures are required. Regarding the applicant's Mineral Statement, the site's Lower Haigh Moor Coal is not likely to be considered a valuable resource as the cost to extract it would be too great, and the site's Top Haigh Moor Coal seam may not be valuable due to its quality and varying thickness, and the site's complex geomorphology.

8.3 Highways England – No objection. Request that Highways England are consulted on the Construction Traffic Management plan prior to commencement of works on site to understand construction traffic routing and in particular timings of deliveries to and from site which should specifically avoid any movements via M62 J28 during peak hours.

8.4 Lead Local Flood Authority – LLFA are satisfied that soakaways should be ruled out. Downstream survey of watercourse is adequate, and demonstrates the watercourse is fit for purpose. Proposed on-site attenuation is adequate, and 22l/s discharge is acceptable. Advise against using the condition recommended by Yorkshire Water. Two matters need to be resolved before the LLFA can withdraw its objection:

1) Blockage scenario testing – A full blockage scenario of the trash screen should be analysed in addition to the design of the trash screen itself. An assessment of the weir point where water will naturally spill out of the site is required. This level should then be plotted within site to see what area will be flooded in a full blockage scenario. A suitable freeboard above this level should then be agreed for property and curtilage with the LLFA. Attenuation location and manhole cover levels should also be discussed in relation to this weir level. It is noted that cover levels of existing manholes on the main road and a downstream level is recorded as 105.23 and 105.13 respectively. The layout plan provided should demonstrate that space has been made for water and that a calculation of potential storage using Kirklees stipulated discharge rates for the 1 in 100 year critical storm + 30% climate change can be accommodated on site and form a gravity connection to a suitable outfall.

2) Flood routing – In order to produce a comprehensive flood risk assessment, it should be demonstrated that the proposed highway layout can support safe flood routing to the southern boundary that avoids property curtilage and no property is located in a basin and poses a flood risk. Further detail of levels required.

8.5 KC Highways – No objection, subject to conditions and planning obligations securing highway improvements. Contribution towards junction improvement scheme at Shaw Cross required. Design of Owl Lane roundabout and spine road (including 3m wide shared cycle/footways) are acceptable. Proposal to not initially connect spine road to Chidswell Lane is acceptable until development comes forward at site MXS7. Design of this junction (a T-junction (with the northern section of Chidswell Lane stopped up) and a signed restriction on right turns into Chidswell Lane) is acceptable. Monitoring of compliance, and provision of funding for future intervention (if needed) should be secured.

8.6 Non-statutory:

8.7 KC Ecology – The site's potential for supporting protected species is limited. However, the site is surrounded by hedgerows, which are habitats of principle importance in the context of policy LP30. In order to accord with the mitigation hierarchy, these hedgerows should be retained wherever possible. Any loss of hedgerow will need to be compensated for. Required screen planting at the southern boundary could include gap planting of the defunct hedgerow in this location. Further to preventing significant ecological harm, the proposals are required to demonstrate a biodiversity net gain, but

currently this has not been demonstrated. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. In order to address the above, the proposals should be supported by landscaping information and a calculation of change in biodiversity value using an appropriate metric.

8.8 KC Education – Further comment (and confirmation of primary and secondary school education contribution required for the 260-unit scheme) awaited.

8.9 KC Environmental Health – Applicant's Preliminary Risk Assessment is an adequate phase 1 report. Applicant's phase 2 report is largely satisfactory, but does not consider the potential combustibility of soils. A revised report or addendum is required – this should include an assessment of the potential combustibility of the soils at different parts of the site so that a future remediation strategy can, if necessary, include remediation measures to address any combustibility issue. It should also provide more detailed information regarding the reasons for the depleted oxygen levels and the risks that this presents. Conditions regarding contaminated land will be necessary.

Noise Assessment by SLR Consulting Ltd. dated October 2019 (ref: 410.04993.00050, Version No: Draft) and a letter from James Burchell of SLR Consulting Ltd dated 23 Oct 2019 (ref: 410.04993.00050) together provide a satisfactory assessment of the noise climate at the site and the predicted levels that will arise at plots in the development parts a) and b) of the previously-recommended noise condition have been addressed and therefore are no longer required. However, part c) regarding the proposed noise mitigation measures has not been fully satisfied and therefore should be retained. Revised layout makes no changes to these recommendations. The mitigation measures, when submitted, will need to be based on the final site layout.

Applicant's proposed dust and emission measures for the development's construction phase are satisfactory – these will need to be conditioned. Electric vehicle charging points will be required by condition.

It is considered that the development is likely to have some adverse impact on the local air quality. This needs to be determined by the applicant, ideally this information should be provided before the application is determined. Conditions recommended.

There is a high potential for noise, vibration and artificial light associated with the development of the site to have a significant adverse impact on nearby residents. Construction environment management plan required, to demonstrate how these adverse impacts will be minimised. Condition recommended, and further advice provided regarding hours of works.

8.10 KC Landscape – Contribution of £382,786 required. Dewsbury East ward is deficient in natural and semi-natural green space, and allotments. 260 dwellings require a Local Area for Play, a Local Equipped Area for Play, and a contribution towards a Multi-Use Games Area. Proposed informal play area can be regarded as a Local Area for Play, however details of its design are required. No objection on landscape grounds, subject to early submission of landscaping details and green space matters being addressed. Section 106

agreement needed, to secure details of management of open spaces. Conditions recommended regarding landscaping, open space, planting and a Landscape and Ecological Management Plan.

- 8.11 KC Public Health – No objection in principle. Support 20% affordable housing provision, provision of electric vehicle charging, local recruitment of the development's construction workforce, and further recommend that advertisement of vacant positions is extended out to community-based organisations and not only mainstream workforce providers. Provision for cyclists along the proposed spine road would enable and encourage active travel, and is welcomed. Clear, convenient and safe connections to the neighbourhood's cycle path network would be further welcomed. Proposed layout generally appears to be walkable, which again should enable and encourage active travel. It would be useful to see further details of how pedestrian routes through the site connect with existing pedestrian routes in the surrounding neighbourhood, including routes to facilities such as bus stops, schools, sports facilities – plan at page 49 of the Design and Access Statement could be expanded. Proposed distribution of open spaces around the site would mean most residents would have convenient access to these spaces and would not necessarily have to cross busy roads to access play and other outdoor facilities. The reasonably clear hierarchy of roads and spaces, the resultant legibility of the proposed layout, and the limited number of cul-de-sacs, would help make the development dementia-friendly, however improvements could be made through marking of site entrances and other key locations, variety in building design, varied landscaping etc, to help assist wayfinding. All areas of public realm (including streets and open spaces) should be designed to be attractive and convivial, so that people will want to use them, and so opportunities for interaction are created. This in turn can result in health benefits by assisting with creating community and addressing loneliness. Outdoor seating should be provided in pleasant locations. People of all ages (including older and younger residents) should be given a reason to use the proposed open spaces.
- 8.12 KC Strategic Housing – Further comment (on the 260-unit scheme) awaited.
- 8.13 Wakefield Council – Wakefield Council objected to allocation of sites HS47 and MXS7, and would wish to comment on any future proposals for MXS7. Support proposal to stop up the spine road where it meets Chidswell Lane, as this rural lane with a recorded minimum width of 3.7m cannot facilitate an increase in two-way traffic, and would be the subject of road safety and traffic flow concerns. Chidswell Lane is an advisory cycle route. Residents of Chidswell Lane are concerned regarding any increase in traffic on this road. Traffic calming measures should be implemented in the part of Chidswell Lane within Kirklees. Site allocations require restrictions on turning into Chidswell Lane. These are critical to prevent a significant increase in localised traffic using Chidswell Lane, and should be a key consideration relevant to future applications for MXS7. Concern regarding proposed direct access to 16 new properties from Chidswell Lane. Wakefield Council Members have not commented, but have been directed to comment directly to Kirklees Council.

- 8.14 West Yorkshire Police Designing Out Crime Officer – No objection in principle, however revised layout is not supported. The rationale behind the concerns are the current crime statistics for this area. The main issues are:
- Multiple shared rear access to dwellings not supported.
 - Rear parking courts to plots 214 to 222 not supported due to limited natural surveillance and the higher risk of vehicle crime and anti-social behaviour.
 - Access-controlled gate required (by condition) to the rear car park of plot 89 to prevent unauthorised access and criminal activity.
 - A full lighting plan required (by condition) for the whole site, showing the lighting provision for private drives, and management plan required.
 - Boundary treatment plan required (by condition).

Properties should be designed in line with Designing Out Crime principles. Further advice provided regarding paths to rear of properties, lockable gates, lighting, boundary treatments, publicly-accessible areas, trees and vegetation, doors and windows, garages, parking, bin stores and alarms.

- 8.15 Yorkshire Water – Conditions recommended, requiring separate systems of drainage for foul and surface water, and no piped discharge of surface water prior to completion of satisfactory surface water outfall. Applicant's Foul and Surface Water Drainage Strategy is acceptable. Advice provided regarding sewer adoption.

9.0 MAIN ISSUES

- Applicant's response to reasons for deferral
- Land use and principle of development
- Quantum and density
- Sustainability and climate change
- Masterplanning, urban design, landscape and archaeological impacts
- Infrastructure requirements and delivery
- Residential amenity and quality
- Unit sizes
- Affordable housing
- Highways and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Trees, landscaping and biodiversity
- Representations
- Planning obligations
- Other planning matters

10.0 APPRAISAL

Applicant's response to reasons for deferral

- 10.1 As noted above, at its meeting of 28/10/2020, the Strategic Planning Committee resolved to defer its decision for the following reasons:

- Highways – More information and assessment, including in relation to Owl Lane / Chancery Lane roundabout, accident data, details of spine road / Chidswell Lane junction, and cycle provision.
- Drainage – LLFA comments to be addressed and full drainage solution to be submitted.
- Affordable housing – To be better distributed around the site.
- Unit sizes – Improvement required in relation to nationally described space standards. 80% compliance now proposed, including all the affordable units.
- Noise – Details of mitigation measures relating to Dewsbury Rams and car boot sale noise.
- Light pollution – Details of measures to address potential amenity impacts caused by lighting at Dewsbury Rams ground.
- Air quality – Details of mitigation measures required.
- Ground conditions – Further investigation into combustible soils required.
- Biodiversity – Details of measures to achieve net biodiversity gain required.
- Apprenticeships – Confirmation that Dewsbury College would be involved.
- Maintenance – Clarification as to who would maintain open space and hedgerows.

10.2 Each of these reasons for deferral is responded to as follows:

- Highways – Drawings of the spine road / Chidswell Lane junction have been provided by the applicant, and these will be included in the officer's committee presentation. Traffic information (illustrated with annotations at each affected junction) has been provided, and this will also be included in the committee presentation. Officers have set out further commentary on provisions for cyclists in this report. A plan of the Shaw Cross junction improvement works will be included in the committee presentation.
- Drainage – The requested survey of the adjacent watercourse has been provided by the applicant, along with flood routing information.
- Affordable housing – The amended proposed layout illustrates an improved distribution of affordable housing across the site.
- Unit sizes – 80% of units would now exceed the minimum unit sizes set out in the Nationally Described Space Standard (NDSS). Most of the other 20% of units would be close to NDSS compliance. All affordable units would exceed NDSS.
- Noise – The applicant has provided a written response, stating that the proposed glazing specification, and appropriate boundary treatments, would adequately protect residents from noise generated by rugby matches and car boot sales.
- Air quality – The applicant has provided a written response, stating that the proposed provisions (electric vehicle charging points and a Travel Plan) are adequate, and that no further air quality mitigation is necessary.
- Ground conditions – The applicant has provided further information in relation to combustible soils, including a comment that no colliery spoil has been encountered (at the application site) that warrants combustibility testing.

- Biodiversity – The applicant intends to submit further landscaping information, and a net biodiversity gain assessment, prior to the determination of the current application.
- Apprenticeships – The applicant has advised that local people would be welcome to apply for apprenticeships, although a formal arrangement with Dewsbury College would not be possible.
- Maintenance – The recommended Section 106 agreement requires the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

10.3 The above list summarises the applicant's responses to the reasons for deferral, and other relevant information. Assessment of the recently-submitted amended drawings and additional information is provided in the following sections of this report.

Land use and principle of development

10.4 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.

10.5 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.

10.6 Full weight can be given to site allocation HS47, which allocates the site for housing. 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 of available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land and reliance on windfall sites was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector (referring to the site when it was numbered H559) stated that there were exceptional circumstances to justify the release of the site from the green belt. The Inspector commented:

“The site is identified in the Council's Green Belt Review and site assessment work as performing a moderately important Green Belt role and where development may potentially have a detrimental impact on Green Belt function. However, the site is contained by built form on three sides and its relationship to the wider countryside is limited. The gap between Chidswell and Wakefield would be narrowed but a physical break would remain, and a clear new defensible Green Belt boundary would be formed by field boundaries on the south-east edge. In order to further strengthen this boundary and deliver a soft attractive edge to the development, the policy should be amended to require a landscaped buffer in this vicinity.”

Overall, taking account of housing needs and the limited impact on the Green Belt, I conclude that exceptional circumstances exist to justify the removal of the site from the Green Belt. The access road through the site to [MXS7] would be provided via a new roundabout on Leeds Road, and the potential impact on the SRN should be assessed. The preparation of a masterplan is also necessary, given the scale of the scheme. These key constraints should be inserted in the policy in order to provide clarity and be effective. The number of potential dwellings should be adjusted from 279 to 280 to reflect the latest capacity work. Joint work will be necessary to deliver a roundabout and spine road, and therefore completions are unlikely to take place until 2020/21. The phasing table should be adjusted accordingly...”

- 10.7 The site is within a wider mineral safeguarding area relating to surface coal resource (SCR) with sandstone and/or clay and shale. Local Plan policy LP38 therefore applies. This states that surface development at the application site will only be permitted where it has been demonstrated that certain criteria apply. Criterion c of policy LP38 is relevant, and allows for approval of the proposed development, as there is an overriding need (in this case, housing need, having regard to Local Plan delivery targets) for it. It is also noted that the applicant, in the submitted Minerals Statement, has concluded that the site is not suitable for the extraction of coal, and that the Coal Authority have advised that the site's Lower Haigh Moor Coal is not likely to be considered a valuable resource as the cost to extract it would be too great, and that the site's Top Haigh Moor Coal seam may not be valuable due to its quality and varying thickness, and the site's complex geomorphology.
- 10.8 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.9 Other requirements of the Local Plan Inspector regarding this site (including in relation to the required landscaped buffer along the site's southern edge, access to the adjacent allocated site MXS7, highways impacts and masterplanning) are reflected in the wording of site allocation HS47, and are considered later in this report.

Quantum and density

- 10.10 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs. Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to “sweat” allocated sites (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met.
- 10.11 The 252 units initially proposed at this site fell short of the 280-unit indicative capacity set out in site allocation HS47 (and included at the request of the Local Plan Inspector).

- 10.12 While it is noted that the space needed for the spine road and the Owl Lane roundabout have reduced the developable area, there was considered to be scope for amendments to the proposed layout and to typologies that could have helped bring the quantum of development closer to the indicative capacity figure. Officers advised the applicant that apartments can be considered acceptable at this site, and that there are corner and nodal locations and places along the proposed spine road where two- or three-storey blocks of apartments would work very well in design terms, including in the context of the existing three-storey block of apartments at the north corner of Owl Lane and Windsor Road. Local Plan paragraph 3.5 acknowledges that, if identified housing needs are to be met, houses of all sizes are needed together with an increasing number of apartments. Several other recent major residential developments (and proposed developments) in Kirklees have included apartments, and the applicant team was encouraged to adopt a similar approach. The applicant was also asked to review the number of detached dwellings in the current scheme, to see if some could be replaced with more semi-detached dwellings and short terraces to help bring the total number of units closer to 280.
- 10.13 With the redesign of the scheme and the submission of amended drawings on 14/05/2020, the above concerns were addressed. The applicant proposed 280 dwellings, which represented an appropriate and efficient use of the site. The increase in unit numbers was achieved partly through the inclusion of 46 apartments. Of note, however, the 280-unit scheme included a high proportion of units that did not meet the minimum unit size figures set out in the Government's Nationally Described Space Standard.
- 10.14 In the most recent amendments, the proposed number of residential units has been brought back down. 260 units are now proposed. Much of this reduction is a result of fewer apartments now being proposed. Officers queried whether these apartments could be retained (but enlarged) in the amended scheme, however the applicant has advised that this would harm the scheme's viability, although no viability evidence has been provided to demonstrate this. Notwithstanding this matter, however, it is noted that that the space needed for the spine road and the Owl Lane roundabout have indeed reduced the developable area, and that 260 units represents 93% of the indicative site capacity (280 units). The applicant has also suggested that a reduction from 280 to 260 units may also help reduce the development's highway impacts, although it is considered that, given the numbers of units involved, any such effect is likely to be negligible.
- 10.15 With 260 units proposed in a site of 7.98 hectares, a density of 33 units per hectare would be achieved.
- 10.16 With all the above matters, and unit sizes and amenity matters (discussed later in this report) taken into account, it is recommended that the proposed quantum be accepted. Furthermore, it is noted that the proposed density comes close to meeting the requirement of policy LP7, and it is considered that the proposed quantum and density represent efficient use of the site.

Sustainability and climate change

- 10.17 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.
- 10.18 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. Chidswell and Shaw Cross have a small number of shops, eating establishments, a church, two pubs, two 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.
- 10.19 Regarding climate change, measures would be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, a Travel Plan and other measures have been proposed or would be secured by condition. A development at this site which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures would need to account for climate change.
- 10.20 Given the surrounding range of uses, and the proximity of adjacent allocated sites, in accordance with Local Plan policy LP26 there appeared to be scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of pipework beneath footways) should be made. While no energy centre is proposed as part of the proposed development (which is entirely residential, and does not include a major daytime source of heat demand), the width of the proposed spine road (and its verge and shared cycle/footways) allows for later laying of heat distribution pipework without major disruption.
- 10.21 Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.

Masterplanning, urban design, landscape and archaeological impacts

- 10.22 Chapters 11, 12 and 16 of the NPPF, the National Design Guide, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 are of particular relevance to this application in relation to design. Site allocation HS47 confirms that a masterplan is required for the site, and masterplanning is considered particularly necessary in this case given the size of the site, the scale of the proposed development, and the adjacent site allocation MXS7. 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.

- 10.23 In some respects the site is relatively unconstrained, as there are no above-ground designated heritage assets within or immediately adjacent to the site, and the surrounding area does not exhibit a uniform character. This context gives the applicant some freedom to design a scheme that has a distinctive character of its own.
- 10.24 The site does, however, have some landscape sensitivities due to its topography, the fact that much of the site is visible from the southwest, and the site's location next to green belt land (in Wakefield borough) to the south. The water tower at Gawthorpe Reservoir is a local landmark visible from (and in longer views across) the site. There are also long, distant views of Castle Hill and Emley Moor mast available from the north part of the site.
- 10.25 With regard to the masterplanning requirements of site allocation HS47 and Local Plan policy LP5, the applicant team have engaged with the owners of the adjacent allocated site MXS7 (the Church Commissioners for England). Site access and road capacity considerations have informed the current proposals. The two applicant teams have discussed the detailed design of the spine road / Chidswell Lane junction with officers, to ensure a suitable vehicular connection can be made should site MXS7 be developed.
- 10.26 The proposed layout is generally considered acceptable. A perimeter block approach has been largely adopted, existing and proposed streets and new public spaces would be activated and overlooked, parking would not dominate the streetscene in most parts of the site, and new open space is proposed in appropriate locations.
- 10.27 The proposed layout does, however, trigger some concerns. Regarding the proposed spine road, while it is appreciated that this important east-west route has been designed to include an adequate carriageway width, as well as cycle/footways and verges, the additional space on some sides of the road would result in significant elevation-to-elevation distances (and inappropriate height-width ratios), such that parts of the road would lack adequate enclosure and definition. Of particular concern are the shared drives and landscaping in front of units 42 to 51 and units 70 to 79 which push these units far away from the elevations opposite. However, following the exploration of layout options and the consideration of alternative access and parking arrangements, it is accepted that the proposed setting back of these dwellings is necessary to ensure efficient use of land, adequate amenity for the residents of those dwellings, and acceptable plot layouts where parking areas are adequately overlooked.
- 10.28 Officers also suggested that the definition of the spine road could be further improved with the inclusion of two- or three-storey blocks of apartments at key locations, including the corners of the spine road and open spaces. It was also suggested that the site's main entrance (at the new roundabout proposed at Owl Lane), which is also expected to serve as a key entrance to the adjacent site MXS7, could also be better defined and strengthened by greater massing around it (subject to topography). The applicant responded positively to these suggestions, with three-storey dwellings and block of apartments introduced at some of the development's key nodal points in the previous 280-unit iteration of the proposals. These would have helped create a more memorable, legible development, with better definition along key routes. Together with the wider variety of house types that were proposed, these measures would have helped create a more navigable neighbourhood,

which is particularly important for people with cognitive impairments. It was therefore considered that the applicant had sufficiently addressed concerns regarding dementia-friendly design.

- 10.29 With the recent redesign and reduction in the number of units to 260, the previously-proposed three-storey apartment blocks have been removed from the site's key entrance at the proposed roundabout. In some respects, this is unfortunate, as that greater massing would have helped mark this key nodal point, and would have aided legibility. Kingsville and Woodcote units (which have an attic storey) are now proposed at the roundabout, however these are unlikely to have the same effect. It is, however, noted that their additional massing at roof level would at least distinguish them from other two-storey buildings, and that four three-storey Brentford houses are proposed at other corner/junction locations, such that, overall, a logical arrangement of massing would be introduced across the site.
- 10.30 The possibility of running an estate road along the south edge of the site was considered during discussions with the applicant team. The resultant dwelling-road-greenspace relationship could have provided an appropriate new edge to the settlement and would have enabled the creation of complete perimeter blocks, with dwellings facing out onto the adjacent green belt land (in Wakefield) without exposing their rear garden fences (which is potentially problematic in aesthetic and crime prevention terms). However, following the exploration of layout options with the applicant, given the topography and the planting proposed along the south edge of the site, and having regard to the need to make efficient use of the site, it was concluded that rear gardens can be considered acceptable along this site boundary. In order to comply with the "landscaped buffer" requirement of site allocation HS47, however, a generous strip of soft planting (including retained hedgerows) would need to be provided along this boundary, outside private curtilages. Arrangements for the maintenance and management of this planted strip would need to be secured in the required Section 106 agreement. Of note, the dark green strip shown here on drawing 1820-SI-04 rev M appears to extend into land beyond the application site, and therefore is not assumed to be a deliverable landscaped buffer – it is likely that land currently shown within the curtilages of units 144 to 162 would need to be used to provide this buffer.
- 10.31 Movement has been given sufficient consideration by the applicant team in the proposed layout, with clear cycle/footways provided through the site (segregated from the development's main trafficked route), and pedestrian routes following useful and legible alignments. The location of the proposed central open spaces could have been aligned with existing green spaces and footpaths immediately to the north of the site, to improve long views and wayfinding for pedestrians moving north-south, however this is not a significant concern.
- 10.32 The proposed development would certainly change the character and appearance of the site and its surroundings, as the existing agricultural field would become a new urban extension to Shaw Cross and Chidswell. Given the acceptable layout that is now proposed, and with appropriate landscaping, this change in character is not considered problematic, and wider landscape impacts (including impacts upon the setting of the unlisted landmark water tower at Gawthorpe Reservoir) would not be adverse.

- 10.33 Flood routing is an important consideration in relation to layout, and this matter is considered later in this report.
- 10.34 To ensure the site's Chidswell Lane frontage is not dominated by parking, it is recommended that one of the proposed visitor parking spaces (to the front of units 103 to 114) be replaced with soft landscaping. This amendment can be secured by conditions.
- 10.35 Regarding crime and anti-social behaviour, the West Yorkshire Police Designing Out Crime Officer has raised concerns regarding the potential for unauthorised access to rear gardens. Some rear and side ginnels were removed in the recent redesign, however several are still proposed. The need for these is understood – residents of mid-terrace dwellings are likely to want to be able to access their rear gardens without having to pass through their homes, for example when carrying out gardening jobs, or moving bicycles. To help address the concerns relating to potential crime committed via these ginnels, it is recommended that details of boundary treatments, and of gates to rear ginnels (to minimise public access to vulnerable parts of the proposed development) be secured by condition.
- 10.36 The Designing Out Crime Officer has also raised concerns regarding natural surveillance of rear parking spaces (for example at plots 13 to 17 of the since-superseded layout rev F). This has been partly addressed in the recent redesign, with rear garden gates added to (what are now) plots 1 to 11, for example. These, and the upper parts of the rear boundary treatments, can be designed to allow parked vehicles to be seen through them. It is recommended that these details be secured via the above-mentioned condition.
- 10.37 To address the other concerns of the Designing Out Crime Officer, conditions relating to lighting and secure by design are recommended.
- 10.38 Page 49 of the applicant's Design and Access Statement refers to inclusive design and Part M of the Building Regulations. Other than in the case of the proposed upper-floor apartments, all new units would have ground floor WCs, making those units at least visitable by people with certain disabilities. The inclusion of ground floor apartments in the scheme creates at least some opportunities for people with certain disabilities and older family members to move into the development, as does the inclusion of studies/bedrooms and convertible habitable rooms at ground floor level in some of the larger units.
- 10.39 Dwellings would be detached, semi-detached, or provided in short terraces or as apartments. 17 house types are proposed, along with four apartment types. Most buildings would be two storeys in height, with three-storey dwellings proposed in some locations. Although fewer house types are now proposed (23 were proposed in the previous 280-unit iteration of the scheme), the proposed variety in typologies would still bring sufficient interest to the street scene, and the proposed heights are considered appropriate given the two- and three-storey buildings opposite the site on the north side of Windsor Road, and the two-storey development (with a three-storey semi-detached pair close to Owl Lane) at the Amberwood Chase development.

- 10.40 The proposed material palette includes red and buff brick, artificial stone, and grey and red roof tiles. These are considered to be appropriate materials for this location, however further details of materials would need to be submitted at conditions stage.
- 10.41 Boundary treatments would include brick walls, railings and timber fencing. A since-superseded Enclosures Plan (drawing 1820-SI-02 rev B) illustrated various boundary treatments, and confirmed that the applicant had given consideration to the aesthetic impacts of the various boundary treatments – 1.8m timber fencing was to be largely confined to rear gardens, for example. As noted above, a condition requiring full details of boundary treatments is recommended.
- 10.42 Regarding the site’s potential archaeological interest, NPPF chapter 16 and Local Plan policy LP35 are relevant. The applicant’s Planning Statement asserts that the “Phase 2 Geo-Environmental Report and Minerals Statement provides evidence that the development proposals will not have any impact on known archaeology at the site”, however archaeology is not addressed in either the submitted Phase II Geo-Environmental Report or the applicant’s Minerals Statement. An Archaeology and Heritage Desk Based Assessment was submitted on 14/10/2020. This states that there are no known nationally-important archaeological remains located on the site that would prevent development, and adds that there is a low potential for archaeological deposits to be present on the site.
- 10.43 The West Yorkshire Archaeological Advisory Service have not commented on the application, but stated at pre-application stage:
- “...there are some crop marks of past activity in the vicinity (likely Iron Age and Romano-British) about 600m to the north and north-east (PRN 4542 and 4060). The easterly bulge on Chidswell Lane is interesting, too. The site itself was small fields in the 19th century (clearly derived from the medieval pattern), and a large building was present in its centre by 1948. A portion of the site has archaeological potential”.*
- 10.44 Upon submitting the Archaeology and Heritage Desk Based Assessment, the applicant proposed that trial trenching be conditioned and undertaken post-determination. This is considered reasonable, given the findings of the assessment.
- 10.45 In light of the above assessment, it is considered that the relevant requirements of chapters 11 and 12 of the NPPF, and Local Plan policies LP2, LP5, LP7, LP24 and LP35 would be sufficiently complied with. There would also be an acceptable level of compliance with guidance set out in the National Design Guide.

Infrastructure requirements and delivery

- 10.46 Site allocation HS47 and Local Plan policy LP4 require the provision of necessary infrastructure to support the proposed development.

- 10.47 Work is being carried out by other applicant teams (in consultation with Highways England and adjacent local authorities) to ascertain what highway network improvements are needed to support various developments being brought forward in Chidswell and the surrounding areas. These requirements, including those that are necessitated by cumulative impacts, are likely to be significant. It is likely that responsibilities for addressing these requirements will need to be apportioned between the various developers of sites in Chidswell and the surrounding area.
- 10.48 In relation to the current application site, however, Highways England have withdrawn their earlier objection, and no longer expect the applicant to contribute to towards improvements to the Strategic Road Network.
- 10.49 The need for other highway and transport improvements (including junction improvements at Shaw Cross) is considered later in this report. At pre-application and application stages Cllr Lukic suggested that a cycle lane connection between the site and the Shaw Cross junction would be appropriate.
- 10.50 Regarding the social infrastructure currently provided and available in Shaw Cross and Chidswell (which is relevant to the sustainability of the proposed development), it is noted that local GP provision has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance that requires a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations.

Residential amenity and quality

- 10.51 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.
- 10.52 Separation distances between the proposed dwellings and existing properties on the north side of Windsor Road would be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. It is considered that the amenities of Chidswell Farm, The Huntsman PH, Boundary End Cottage and other properties on Chidswell Lane (including those two recently granted planning permission under application ref: 2020/91451) would not be unacceptably affected, due to the distances that would be maintained between existing and proposed elevations, the proposed locations of new windows, and the intervening highway. The design and locations of boundary treatments and landscaping would need careful consideration at conditions stage (should planning permission be granted) to ensure no significant loss of amenity occurs to neighbouring residents.

- 10.53 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.54 A condition requiring the submission and approval of a Construction (Environmental) Management Plan (C(E)MP) is recommended. The necessary discharge of conditions submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of dust suppression measures would need to be included in the C(E)MP. An informative regarding hours of noisy construction work is recommended.
- 10.55 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.56 The 52 affordable housing units would comprise 14x one-bedroom apartments, 26x two-bedroom houses and 12x three-bedroom houses. The development's private element would comprise one one-bedroom house, 37x two-bedroom units (including five flats-over-garages), 126x three-bedroom houses and 44x four-bedroom houses. Notwithstanding concerns tenure considerations, this unit size mix would cater for a range of household sizes, would help create a mixed and balanced community, would help avoid visual monotony across the site, and is welcomed.
- 10.57 All but the five Alverton units would be dual aspect. All units would have adequate privacy, outlook and access to natural light. Dwellings would be provided with adequate private outdoor amenity space proportionate to the size of each dwelling and its number of residents. Communal gardens are proposed for the apartments.
- 10.58 Adequate distances would be provided within the proposed development between new dwellings.
- 10.59 The provision of two central areas of open space, either side of the spine road, is welcomed. Splitting the development's main on-site provision in this way would mean residents (including children, people with disabilities, and older people) would not necessarily need to cross the spine road in order to access an open space. Other open spaces are proposed in appropriate locations, with a sizeable space proposed at the southwest corner of the site, and a small space (to be temporarily landscaped until adjacent development is carried out) proposed on Chidswell Lane.
- 10.60 The proposed 260 dwellings trigger a need for a Local Area for Play (LAP), a Local Equipped Area for Play (LEAP), and a contribution towards a Multi-Use Games Area (MUGA). The proposed informal play area shown in the northernmost open space can be regarded as a LAP, however it is recommended that details of its equipment and design be secured by condition. Those details would need to demonstrate how the LAP would be a multifunctional space that promotes children's independence in their own neighbourhood – this can be achieved partly by ensuring that this informal play opportunity is linked by safe networks of footpaths to play opportunities further afield, such as those at Smallwood Rd and Shaw Cross.

10.61 Notwithstanding this on-site provision, the applicant's proposals will still necessitate a financial contribution towards off-site open space. This must be calculated in accordance with Local Plan policy LP63, and the methodology set out in the draft Open Space SPD, taking into account the fact that Dewsbury East ward is deficient in natural and semi-natural green space, and allotments. For the proposed development, a contribution of £382,786 would be required. This would include funding for a LEAP and a contribution towards a MUGA. It is recommended that this contribution be secured in the required Section 106 agreement, along with provisions to secure details of the management and maintenance of open spaces.

Unit sizes

10.62 The sizes of the proposed residential units is a material planning consideration. Local Plan policy LP24 states that proposals should promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers, and the provision of residential units of an adequate size can help to meet this objective. The provision of adequate living space is also relevant to some of the council's other key objectives, including improved health and wellbeing, addressing inequality, and the creation of sustainable communities. Recent epidemic-related lockdowns and increased working from home have further demonstrated the need for adequate living space.

10.63 Although the Government's Nationally Described Space Standards (March 2015, updated 2016) (NDSS) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed, as set out in the council's draft Housebuilder Design Guide SPD. NDSS is the Government's clearest statement on what constitutes adequately-sized units, and its use as a standard is becoming more widespread – for example, as of April 2021, all permitted development residential conversions will be required to be NDSS-compliant.

10.64 At pre-application stage, officers expressed concern that not all of the proposed dwellings would meet the minimum unit size figures set out in the Government's NDSS guidance. The applicant, however, advised that full compliance with the Government's standards would not be proposed. As noted at the Strategic Planning Committee meeting of 28/10/2020, in the previous iteration of the proposals, 179 of the 280 proposed units would not have complied with the Government's standard. Using the lowest resident numbers set out in the NDSS, 28 of the affordable units would have complied (28 would have not), and 73 of the private units would have complied (151 would have not). This level of compliance was a key concern of Members and was one of the reasons for deferral on 28/10/2020.

10.65 Following the Strategic Planning Committee's decision to defer their decision, the applicant reconsidered the matter, and a greater level of NDSS compliance is now proposed. In the current, amended (260-unit) proposal, 209 units (80% of the total) would exceed NDSS. Most of the other 51 units (20%) are close to compliance and are larger dwellings. All 52 affordable units would exceed NDSS. A full breakdown of the proposed unit sizes is provided in the tables below, with figures in sqm (gross internal area). Grey shading highlights the non-compliant units.

OPEN MARKET

house type	house type description	number of units	sqm (GIA)	NDSS (GIA)
SEVERN	1 BED SEMI-DET HOUSE	1	49	39
WASHINGTON	2 BED SEMI-DET HOUSE	1	58	70
DENFORD	2 BED SEMI-DET HOUSE	3	58	70
KENLEY	2 BED SEMI-DET / TERR HOUSE	28	78	70
ALVERTON	2 BED FLAT OVER GARAGE	5	64	61
MAIDSTONE	3 BED SEMI-DET / TERR HOUSE	3	77	84
KIRKBRIDGE	3 BED SEMI-DET HOUSE	44	85	84
MORESBY	3 BED DET / SEMI-DET HOUSE	17	79	84
DENBY	3 BED DET HOUSE	27	82	84
LUTTERWORTH	3 BED DET HOUSE	7	93	84
KINGSVILLE	3 BED SEMI-DET TOWN HOUSE	19	100	90
BRENTFORD	3 BED SEMI-DET TOWN HOUSE	4	108	90
WOODCOTE	3 BED SEMI-DET TOWN HOUSE	5	113	90
KINGSLEY	4 BED DET HOUSE	3	101	97
KENNFORD	4 BED DET HOUSE	26	106	97
HEMSWORTH	4 BED DET HOUSE	12	107	97
ALDERNEY	4 BED DET HOUSE	3	114	97

208

AFFORDABLE

		number of units	sqm (GIA)	NDSS (GIA)
58	1 BED APARTMENT	1	40	39
59	1 BED APARTMENT	1	48	39
60	1 BED APARTMENT	6	42	39
61	1 BED APARTMENT	6	42	39
KENLEY	2 BED SEMI-DET / TERR HOUSE	26	78	70
KIRKBRIDGE	3 BED HOUSE	12	85	84

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- 10.66 The applicant has pointed out that, of the 51 units (20% of the total) that don't comply with NDSS, 27 are within 2sqm, 17 are within 5sqm and three are within 7sqm of the standards. These 47 units are all 3-bedroom in size, and are larger properties which, overall, would provide an acceptable standard of amenity. The applicant has additionally pointed out that, overall, 256 of the proposed 260 units either exceed the NDSS standard or are within 7sqm of the standard. In comparison with the previous iteration of the proposals, the applicant has more than doubled the number of compliant units. Officers have queried whether more of the units could be made compliant (for example, adding just 2sqm to the Denby units would result in another 27 units being compliant), however the applicant has advised that this is not possible for viability reasons (although no supporting viability evidence has been submitted by the applicant).

- 10.67 These amendments are considered to be a significant improvement on the previous proposals, and – noting the other matters that influence amenity (including outdoor space, outlook and natural light, considered earlier in this report), and again noting the policy position in relation to NDSS, as well as paragraph 018 of the “Housing: optional technical standards” section of the Government’s online Planning Practice Guidance (ref: 56-018-20150327) – it is considered that the proposals are acceptable in relation to unit sizes.

Affordable housing

- 10.68 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.69 52 affordable units are proposed. This represents a 20% provision, in compliance with policy LP11.
- 10.70 The 52 affordable housing units would comprise 14x one-bedroom apartments, 26x two-bedroom houses and 12x three-bedroom houses. These would be distributed around the site in several locations (to be illustrated in the committee presentation).
- 10.71 KC Strategic Housing had previously advised that there is significant demand for affordable one-, two- and three-bedroom homes (and larger) in the area, and it is considered that a reasonable number of one-bedroom apartments can indeed be accepted within the proposed development’s affordable housing provision. The proposed affordable unit size mix is therefore considered acceptable.
- 10.72 Given the recent reduction in the number of apartments within the affordable element, the inclusion of five private apartments (as flats-over-garages) in the scheme, the affordable house types (Kewdale and Kirkbridge) also being proposed in the private element, the acceptable unit size mixes of the affordable and private elements, and the inclusion of intermediate tenures within the affordable element, there is no longer a concern that the affordable units would be clearly distinguishable from the market housing in terms of typology, design, and standard of amenity. Furthermore, although there would be a slight concentration of affordable units at Chidswell Lane, overall it is considered that the recently-improved distribution represents sufficient tenure pepper-potting. At page 48 of the submitted Design and Access Statement the applicant states that “The affordable dwellings will be indistinguishable from the open market units by having the same appearance and finish, and being built from the same materials as the market plots” – with the recent amendments, this assertion is now accurate.
- 10.73 Within affordable housing provisions, a 55% social or affordable rent / 45% intermediate tenure split is normally required, however flexibility can be applied in light of material considerations. On 18/01/2021 the applicant confirmed the proposed tenure split as 75% (39 units) Discounted Market Sale, and 25% (13 units) affordable rent. Having regard to the headline 20% affordable housing figure, the significant Section 106 obligations required,

and the applicant's commentary regarding viability (although it remains the case that no financial viability appraisal has been submitted), the proposed tenure split is considered acceptable.

Highway and transportation issues

- 10.74 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.
- 10.75 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.
- 10.76 Existing highway conditions must be noted. Owl Lane (the B6128) forms the site's west edge, and has footways on both sides of the carriageway, double yellow lines, bus stops, a 40mph speed restriction (reducing to 30mph north of the site's northeast corner) and access points to the Dewsbury Rams ground and the relatively recent Amberwood Chase residential development. To the north, part of Windsor Road also has double yellow lines, as well as speed humps and bus stops. Chidswell Lane has signage indicating it is unsuitable for heavy goods vehicles, has a substandard footway on the west side of its carriageway, and lacks central white line markings for much of its length outside the site. The site itself has no dropped kerbs on Owl Lane or Windsor Road, and there is a single, gated vehicular access on Chidswell Lane opposite Chidswell Farm. The nearest cycle lanes (or painted markings for cyclists) are on Leeds Road and Challenge Way. No public rights of way cross the site.
- 10.77 Site allocation HS47 requires the proposed development to provide access to the adjacent site MXS7, the provision of a roundabout on Owl Lane, and a no-right-turn restriction onto Chidswell Lane. It adds that additional mitigation on the wider highway network will be required, noting that development of this site has the potential for a significant impact on the Strategic Road Network and that measures will be required to reduce and mitigate that impact. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, the proposed development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes.
- 10.78 For a 275-unit residential development at the site, the applicant's Transport Assessment predicted 190 vehicular movements in the a.m. peak (42 arrivals and 148 departures) and 181 in the p.m. peak (110 arrivals and 71 departures). Taking into account traffic growth projections up to the year

2030, and trips likely to be generated by development at the adjacent site MXS7, the applicant concluded that the new roundabout, the Leeds Road / Chidswell Lane junction, and the Owl Lane / Windsor Road junction would operate within capacity. The Leeds Road / Challenge Way / John Ormesby VC Way junction (the Shaw Cross junction) is predicted by the applicant to reach overcapacity with or without the proposed development, and the applicant concludes that the addition of a small amount of development traffic would not create a material or significant difference to the without-development scenario. Impacts are also predicted at the Owl Lane / John Ormesby VC Way / Churwell Vale (Horace Waller VC Parade) junction and the Owl Lane / A638 / Leeds Road / Chancery Road junction. In conclusion, the applicant asserted that the proposed development can be accommodated on the adjacent highway network without any significant negative impact, and that there are no highway capacity reasons why planning permission should not be granted.

10.79 Following the Strategic Planning Committee's deferral on 28/10/2020, the applicant submitted an annotated plan, summarising the applicant's predicted increases in peak-hour traffic at junctions surrounding the site, taking into account expected background growth and the cumulative impacts of committed development. This plan will be included in the committee presentation, and notes the following increases:

- Leeds Road / Chidswell Lane junction – 1.8% increase
- Owl Lane / Windsor Road junction – 5.4% increase
- Shaw Cross junction – 2.4% increase
- Owl Lane / John Ormesby VC Way / Churwell Vale (Horace Waller VC Parade) junction – 4.8% increase
- Owl Lane / Amberwood Chase junction – 3.1% increase
- Owl Lane / A638 / Leeds Road / Chancery Road junction – 1.5%

10.80 At the Strategic Planning Committee meeting of 28/10/2020, Cllr Scott noted that residents of Amberwood Chase currently have difficulties turning right into Owl Lane, due to existing traffic levels. Of note, the proposed provision of a new roundabout would mean those residents wouldn't need to make this turn in the future, and could instead turn left and then drive around the new roundabout to continue their journey southwards, without having to detour significantly.

10.81 The applicant's conclusions regarding the impact of the proposed development on existing junctions are not fully accepted. Using more robust calculations and assessment, officers predict impacts at the Shaw Cross junction that would require mitigation in the form of major junction improvements, a design for which has been prepared by officers (and which is currently being amended to include better provision for cyclists, in response to Cllr Lukic's comments). The applicant has agreed to contribute £200,000 to these works, and it is recommended that the contribution be secured via a Section 106 planning obligation.

10.82 A further planning obligation, securing the provision of a cycle lane connection between this junction (where the Challenge Way cycle lane ends) and the application site is also recommended.

- 10.83 Further afield, the proposed development would contribute towards additional traffic at junction 28 of the M62 and junction 40 of the M1. The applicant's assessment indicates that there will be no more than 28 additional two-way trips at either of these junctions during the morning and afternoon/evening peak periods. In light of these findings, Highways England have withdrawn their earlier objection, and no longer expect the applicant to contribute to towards improvements to the Strategic Road Network.
- 10.84 The proposed development includes the provision of a new roundabout on Owl Lane, connecting a new east-west spine road with the eastern edge of the site (where it would meet Chidswell Lane). The provision of this spine road, and its ultimate connection to Leeds Road should development be approved at the adjacent allocated site MXS7, is considered essential for the proper distribution of traffic, and to avoid unacceptable congestion at the Shaw Cross junction and along the northern section of Chidswell Lane. Additionally, it would provide access to the Local Centre, primary school and other facilities required at site MXS7, and the respective applicant teams have accordingly designed their schemes around this requirement. The spine road would essentially be a residential collector road – it has a design speed of 25mph, and it would be capable of accommodating buses (should routes be diverted along it, or new routes be provided), but for amenity, safety and placemaking reasons HGVs would not be accommodated, and the spine round would not be signed at either end as a through-route to Leeds or Ossett.
- 10.85 Following amendments made by the applicant to the design of the proposed roundabout and the detailed design of the spine road (including widening where requested), these aspects of the proposed development are considered acceptable. Both would be capable of accommodating the traffic volumes of the proposed development and the anticipated development at allocated site MXS7, having regard to predicted background traffic increases. The applicant has submitted diagrams confirming that two 11.85m refuse vehicles, or two buses, or one of each, would be able to pass each other on the spine road.
- 10.86 The comments of Cllr Lukic regarding provisions for cyclists, and the guidance set out in Cycle Infrastructure Design – Local Transport Note 1/20 (LTN 1/20), are noted, and have been discussed with the applicant team. Although no policies in the Local Plan or guidance in the council's Highway Design Guide SPD explicitly require the provision of separate cycle ways and footways, Cllr Lukic has correctly noted that Key Design Driver 3 in the SPD states that assessment of provisions for cyclists should be informed by the detailed guidance within LTN 2/08, which is now superseded by LTN 1/20.
- 10.87 The need for, and relative benefits of, full separation of pedestrian and cyclist traffic has been given careful consideration, however it is considered that the proposed 3m wide shared cycle/footways, separated from the carriageway by a soft landscaped verge, are appropriate. Of note, the proposals would segregate cyclists and pedestrians from the spine road's vehicular traffic, which would ensure much safer travel for those more vulnerable road users – the shared cycle/footways are expected to be used by slow-moving, less confident cyclists, including older people and children. Faster, more competent and confident cyclists are considered more likely to use the carriageway of the spine road (sharing that space with vehicular traffic), as

their journey would not be interrupted by side streets, and as noted above the spine road would essentially be a residential collector road (where HGVs would be excluded, although buses may be present), with a design speed of 25mph. Similarly, the proposed 3m wide shared cycle/footways along the site's Owl Lane frontage are considered acceptable, and would continue the connection to the Shaw Cross junction and Challenge Way referred to at paragraph 10.82 above.

- 10.88 Regarding the continuation of the cycle/footways at the edges of the site and across side street entrances, this matter can be addressed at conditions stage, along with the details required of the development's internal adoptable roads. A variety of measures can be used to ensure continuity of cycle routes and priority at crossovers is provided, including signage, road markings and continuous road surfaces.
- 10.89 Wakefield Council have advised that Chidswell Lane is an advisory cycle route, and Cllr Lukic has commented on the suitability of Chidswell Lane and Windsor Road for cycling. Officers agree that carriageway cycling can continue on these streets, and Highways Development Management officers have suggested that a 20mph speed limit to Windsor Road could be supported (although this is not proposed as part of the current scheme, and the applicant proposes another 3m wide shared cycle/footway along Windsor Road, which, it is again noted, would be suitable for use by slower and less confident cyclists).
- 10.90 It is recommended that details of spine road crossing points be provided at conditions stage, under the same recommended condition that requires details of the development's internal adoptable roads.
- 10.91 No vehicular connection between the new east-west spine road and Chidswell Lane is proposed at this stage – such a connection would be provided should the adjacent site MXS7 be developed. In the meantime, it is recommended that this end of the spine road be temporarily blocked with a raise kerb to footway level and bollards. To avoid a ransom scenario being created, no land between the carriageway of the spine road should be left unadopted, and detailed drawings (to be secured by recommended condition) and planning obligations would be required to confirm this.
- 10.92 As a vehicular connection would be required here if/when the adjacent site MXS7 is developed, extensive discussion has taken place between the two applicant teams, and with officers at Wakefield Council, regarding the design of the spine road / Chidswell Lane junction.
- 10.93 The requirements of site allocations HS47 and MXS7 are noted – these require the banning of right and left turns into the southern stretch of Chidswell Lane, which are requirements supported by Wakefield Council. The concern is that southwestbound drivers using the spine road may see queueing traffic at the new Owl Lane roundabout, and may decide to turn into Chidswell Lane to reach Ossett and other destinations via Gawthorpe. There is a secondary concern that northbound drivers on Owl Lane may see queueing traffic at the new roundabout and may try to cut through Gawthorpe via Pickering Lane and Chidswell Lane. Wakefield Council officers have commented that the southern section of Chidswell Lane, due to its narrow carriageway and traffic calming, is not suited to take additional traffic. Peak hour queueing figures provided by the applicant suggest that

queue lengths would not be significant (maximums of three or four vehicles are predicted), and this together with Chidswell Lane not being particularly attractive as a through-route suggests that rat-running would be unlikely, or would only become a problem when an incident occurs on the spine road or Owl Lane. Nevertheless, the requirements of the site allocations, and the concerns of Wakefield Council need to be addressed.

- 10.94 Officers and the two applicant teams have considered junction designs that would not significantly restrict access to the Huntsman PH, Boundary End Cottage and other properties on Chidswell Lane south of the spine road, that would not cause rat-running along Chidswell Lane between the spine road and Leeds Road, and that could be accommodated within existing highway land and land available within the two development sites. Officers favour a simple T-junction (a crossroads is not considered appropriate here (except in relation to cycle traffic), and the stopping up of the northern section of Chidswell Lane is supported) with signs banning left and right turns. This is considered preferable to physical barriers, which would restrict access to existing and proposed properties, and would force residents and pub-goers to make unnecessarily long detours via the spine road, Owl Lane and Pickering Lane. It is considered that a signed solution would be compliant with the requirements of site allocations HS47 and MXS7, and would be sufficient to discourage rat-running down the southern section of Chidswell Lane. However, it is recommended that the adequacy of this solution be monitored, and that physical measures (such as enforcement cameras and/or the provision of a plug prioritising northbound traffic) be considered at a later stage if the signed solution proves unsuccessful. The cost of this monitoring, and a contribution towards subsequent measures (if required) is included in the recommended Section 106 heads of terms.
- 10.95 Following the Strategic Planning Committee's deferral on 28/10/2020, drawings of the spine road / Chidswell Lane junction (showing the interim arrangements, and the final layout should site MXS7 be developed) were submitted by the applicant. The Church Commissioners for England (the adjacent applicants) have confirmed they are comfortable with the proposed spine road geometry, its alignment with the access to site MXS7, and the applicant's commitment to build the spine road to the public highway on Chidswell Lane.
- 10.96 The current applicant would be responsible for stopping up the northern section of Chidswell Lane, the provision of a turning head (in the small area currently proposed as temporary open space), and connecting the end of the spine road to Chidswell Lane by removing any temporary kerbs and bollards, and making good the carriageway surface. These matters are also included in the recommended Section 106 heads of terms. In light of Cllr Lukic's comments, and Wakefield Council's comment that Chidswell Lane is an advisory cycle route, the stopping up of the northern section of Chidswell Lane will need to allow for continued north-south cycle traffic.
- 10.97 Acceptable off-street parking, including visitor parking, is proposed for the residential units in accordance with Council's Highway Design Guide. Paragraph 5.4 of the Council's Highway Design Guide sets out numbers of spaces commonly provided for apartments and houses of various sizes, and states that in most circumstances, one visitor parking space per four dwellings is considered appropriate.

- 10.98 Officers have provided detailed comments regarding the internal layout of the proposed development, and in relation to Section 38 matters. A condition regarding internal adoptable roads is recommended.
- 10.99 Along the southern section of Chidswell Lane, the applicant proposes a 2m wide footway to the west side of the carriageway (where no footway currently exists). This improvement would be of public benefit.
- 10.100 Although no turning head is proposed along the southern section of Chidswell Lane, vehicles could make use of the parking court proposed for units 116 to 122 for turning, however the council's refuse collection vehicles are likely to continue reversing southwards from the Huntsman PH to access Boundary End Cottage (and, in the future, proposed units 103 to 114).
- 10.101 A draft Travel Plan has been submitted. This sets out measures intended to encourage the use of sustainable modes of transport. A Section 106 planning obligation is necessary to ensure this (or an acceptable amended) Travel Plan is implemented. A Travel Plan monitoring fee of £10,000 will also be necessary.
- 10.102 Although the application has been advertised as a development affecting a public right of way, no such routes cross the site. On the opposite side (from the site) of Chidswell Lane, public footpath DEW/146/10 extends from the carriageway, through the pub garden of The Huntsman PH, towards the Kirklees/Wakefield borough boundary and beyond to Gawthorpe. This public right of way would not be affected by the proposed development, except in respect of potential increased use. The proposed layout allows for pedestrian movement across Windsor Road and through the streets of the proposed development in accordance with Local Plan policies LP20, LP24dii and LP47e.
- 10.103 Details of secure, covered and conveniently-located cycle parking for residents would be secured by a recommended condition.
- 10.104 Storage space for three bins, and refuse collection points, will be required for all dwellings. Further details of waste collection, including details of management to ensure waste collection points are not used for fly-tipping or permanent bin storage, are required by recommended condition. The same condition would require refuse collection points in locations that would not obstruct access to private driveways.
- 10.105 Details of means of access to the site for construction traffic would be secured via the recommended condition requiring the submission and approval of a Construction Management Plan.

Flood risk and drainage issues

- 10.106 The site is within Flood Zone 1, however there is some risk of surface water flooding at the lowest (southernmost) corner of the site. A watercourse runs along the site's southern boundary, and then passes beneath Owl Lane, entering Wakefield borough at it continues southwards, then re-enters Kirklees as it continues towards Chickenley and eventually joins the River Calder. No water bodies exist on the site. There are Yorkshire Water sewers beneath Owl Lane and Windsor Road.

- 10.107 Regarding surface water, the applicant's initial Foul and Surface Water Drainage Strategy stated that details of surface water disposal would be submitted following further infiltration testing and calculation, however the submitted Planning Statement assertively states that infiltration is not suitable for this site, and consequently it is envisaged that surface water would discharge to the watercourse located in the south-western corner of the site. The Lead Local Flood Authority (LLFA) have, in any case, advised that soakaways can be ruled out at this site.
- 10.108 Details of a drainage strategy were submitted shortly before the committee meeting of 28/10/2020 and following the Strategic Planning Committee's resolution to defer its decision, the applicant has submitted further information. A downstream survey of the existing watercourse has been carried out, and the LLFA have advised that this is fit for purpose, and that surface water from the site can be discharged to it.
- 10.109 The applicant proposes an attenuation tank beneath the development's southernmost open space, from which water would be discharged at a controlled rate (of 22 litres per second) to the existing watercourse to the south. The LLFA have advised that this proposed attenuation and discharge rate are acceptable.
- 10.110 A trash screen already exists where the watercourse passes beneath Owl Lane. Subject to an assessment of its adequacy, an improved trash screen may need to be installed here, and it is recommended that this be secured by condition.
- 10.111 The LLFA have advised that two outstanding matters need to be resolved before their objection can be withdrawn, as follows:
- 1) Blockage scenario testing – A full blockage scenario of the trash screen should be analysed, as should the design of the trash screen itself. An assessment of the weir point where water would naturally spill out of the site is required. This level should then be plotted within the application site to ascertain what area would be flooded in a full blockage scenario.
 - 2) Flood routing – In order to produce a comprehensive flood risk assessment, it should be demonstrated that the proposed highway layout can support safe flood routing to the southern boundary that avoids property curtilage. No property should be located in a basin and pose a flood risk. Further detail of levels required.
- 10.112 On 15/01/2021 the applicant responded the above matters, and submitted a Drainage Exceedance / Flood Routing Plan (ref: CHD_FE_01). The LLFA's comments on this plan are awaited.
- 10.113 The maintenance and management of the approved surface water drainage system (until formally adopted by the statutory undertaker) would need to be secured via a Section 106 agreement. The applicant has been advised that spans of 900mm or more beneath the highway are likely to preclude its adoption.
- 10.114 Details of temporary surface water drainage arrangements would be secured via a recommended condition.

- 10.115 Foul water from the proposed development would discharge to the existing sewer beneath Owl Lane. This proposal has not attracted an objection from Yorkshire Water, and is considered acceptable.

Environmental and public health

- 10.116 Regarding noise, the applicant submitted additional information during the life of the application to address concerns regarding noise from the nearby Dewsbury Rams ground. In light of the applicant's information, KC Environmental Health have advised that a condition requiring noise mitigation measures should be applied, and that the mitigation measures, when submitted, will need to be based on the final site layout.
- 10.117 When deferring their decision on 28/10/2020, Members of the Strategic Planning Committee asked to see details of mitigation measures relating to Dewsbury Rams and car boot sale noise. In response, the applicant has stated that their glazing specification and adequate boundary treatments would ensure adequate mitigation in relation to noise from those sources (of note, tree planting along Owl Lane would do little to prevent noise reaching the new dwellings). Further comment from KC Environmental Health has been sought, however officers are in any case of the view that the matter has been sufficiently addressed at application stage, and recommend that an appropriately-worded condition should be applied to ensure that the "agent of change" principle set out at paragraph 182 of the NPPF is adequately responded to.
- 10.118 With regard to the West Yorkshire Low Emission Strategy, a condition is recommended, requiring the provision of electric vehicle charging points. In addition, it is recommended that a Travel Plan, including mechanisms for discouraging high emission vehicle use and encouraging modal shift (to public transport, walking and cycling) and uptake of low emission fuels and technologies, be secured via Section 106 obligations.
- 10.119 The applicant's proposed dust and emission measures for the development's construction phase are satisfactory – it is recommended that these be conditioned.
- 10.120 The proposed residential use is unlikely to be a significant source of odour affecting adjacent residential properties.
- 10.121 It is considered that the development is likely to have some adverse impact on the local air quality. This level of impact needs to be determined by the applicant, and an appropriate condition is recommended, along with a planning obligation securing a contribution (amount to be confirmed) up to the development's estimated damage cost. This would be spent on air quality improvement projects within the locality.
- 10.122 When deferring their decision on 28/10/2020, Members asked to see details of air quality mitigation measures. The applicant subsequently provided a written response, stating that the proposed provisions (electric vehicle charging points and a Travel Plan) are adequate, and that no further air quality mitigation is necessary. Further comment from KC Environmental Health has been sought, however it is noted that KC Environmental Health have previously advised that appropriately-worded conditions should be applied in relation to air quality.

- 10.123 On 28/10/2020 Members also raised concerns regarding light pollution, and what measures could be implemented to address potential amenity impacts caused by lighting at Dewsbury Rams ground. The intervening distance (between the rugby ground's floodlights and the front elevations of dwellings proposed along Owl Lane) is noted, however to address Members' concerns, the applicant proposes tree planting along Owl Lane – there is sufficient space to provide this without adversely affecting natural light and outlook for the occupants of the proposed dwellings. The recommended landscaping condition can ensure that semi-mature, and possibly in some cases evergreen, trees are planted here.
- 10.124 There is a high potential for noise, vibration and artificial light associated with the development of the site to have a significant adverse impact on nearby residents. It is recommended that the Construction Management Plan (to be secured by condition) be required to demonstrate how these adverse impacts would be minimised.
- 10.125 The health impacts of the proposed development are a material consideration relevant to planning, and compliance with Local Plan policy LP47 is required. Having regard to the proposed affordable housing, cycling provision, pedestrian connections (which can help facilitate active travel), accessibility, dementia-friendly design, measures to be proposed at conditions stage to minimise crime and anti-social behaviour, and other matters, it is considered that the proposed development would not have negative impacts on human health. The applicant has submitted a Health Impact Assessment. The council's Public Health team have raised no objection in principle to the proposed development and have expressed support for some aspects of it.

Site contamination and stability

- 10.126 Site allocation HS47 states that the site is potentially contaminated. KC Environmental Health officers have advised that the applicant's Preliminary Risk Assessment is an adequate phase 1 report. The applicant's phase 2 report is largely satisfactory, however it does not consider the potential combustibility of the site's soils which contain coal gravel. A revised report or addendum is therefore required – this should include an assessment of the potential combustibility of the soils at different parts of the site so that a future remediation strategy can, if necessary, include remediation measures to address any combustibility issue. It should also provide more detailed information regarding the reasons for the depleted oxygen levels and the risks that this presents. Conditions regarding contaminated land are considered necessary.
- 10.127 When deferring their decision on 28/10/2020, Members raised concerns regarding the above-mentioned combustible soils. In response, the applicant provided supplementary information (Groundtech Consulting letter, dated 19/11/2020), stating:

“If colliery spoil was encountered on the site which is combustible or potentially combustible, testing would be undertaken. However, no colliery spoil has been encountered on this site that warrants combustibility testing.”

Coal seams are however present beneath the site and we know coal is combustible, so where coal is encountered measures will need to be in place to isolate this potential combustible material. Measures should be implemented in accordance with ICRCCL 61/84, they broadly comprise the following:

- 1. Removal of combustible material.*
- 2. Isolate combustible material from potential ignition sources.*

It is recommended that where coal seams are exposed during general excavations or at the surface, they should be isolated with 1000mm of clay material or material with similar properties to isolate the combustible material. This specifically applies to utility excavations where electricity cables will be laid”.

- 10.128 Given the above assurances and given the previous recommendations of KC Environmental Health (and the common practice of securing phase 2 reports at conditions stage), it is recommended that matters relating to combustible soils have been adequately addressed at application stage.
- 10.129 Part of the site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority have not objected to the proposed development and have advised that an adequate assessment of the site's coal mining risks has been undertaken. Conditions relating to the site's coal mining legacy are recommended.

Trees, landscaping and biodiversity

- 10.130 Although the site itself is not within a Wildlife Habitat Network, this designation includes a small area woodland to the east of the site on the other side of Chidswell Lane, and trees outside the Dewsbury Rams ground.
- 10.131 The site is within a Biodiversity Opportunity Zone (Pennine Foothills), however it is in relatively intensive agricultural use and its potential for supporting protected species is limited. The site is, however, surrounded by hedgerows, which offer habitat potential, and which should be retained wherever possible. Any loss of perimeter hedgerow will need to be compensated for, and the planted buffer required by site allocation HS47 at the southern boundary could include gap planting. Amended drawings illustrating such planting will need to be submitted as part of a comprehensive landscaping scheme to be secured via a recommended condition.
- 10.132 In addition, a net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Such a gain has not yet been demonstrated by the applicant. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric. A condition and Section 106 obligations are recommended, requiring the applicant to provide the necessary calculation, and to explore all options for on-site compensatory works. If adequate compensatory works cannot be achieved on-site, the applicant must look for nearby, available sites where compensatory works can be implemented with the agreement of the relevant landowner. If no such sites can be found by the applicant, a financial contribution can be made which the council would be required to spend on compensatory measures at an available site.

- 10.133 In light of Members' queries raised on 28/10/2020, the applicant intends to submit further landscaping details and a biodiversity net gain calculation before the current application is determined.
- 10.134 A condition requiring the submission of an Ecological Design Strategy / Landscape Environmental Management Plan is also recommended.
- 10.135 No significant trees exist on the site, and no trees immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Development of the site presents an opportunity to increase tree coverage in this part of Kirklees.

Representations

- 10.136 To date, a total of 288 representations have been received in response to the council's consultation and reconsultation. Representations were also made by Cllr Lukic and the Chidswell Action Group. The comments raised have been addressed in this report.

Planning obligations

- 10.137 To mitigate the impacts of the proposed development, the following planning obligations would need to be secured via a Section 106 agreement:

- 1) Affordable housing – 52 affordable housing units (75% (39 units) Discounted Market Sale, 25% (13 units) affordable rent) to be provided in perpetuity.
- 2) Open space – Off-site contribution of £382,786 to address shortfalls in specific open space typologies.
- 3) Education – Contribution required (amount to be confirmed).
- 4) Highway improvements – Contribution of £200,000 towards Shaw Cross junction improvements, and provision or funding of cycle lane linking the site to Challenge Way.
- 5) Chidswell Lane / spine road junction – Funding of future works to junction when development at site MXS7 is brought forward. No ransom scenario to be created. Northern section of Chidswell Lane to be stopped up and provided with a turning head. Signed restrictions on right and left turns to be provided. Contribution towards monitoring of effectiveness of signed restrictions, and later works if necessary.
- 6) Sustainable transport – Measures to encourage the use of sustainable modes of transport, including implementation of a Travel Plan and £10,000 towards Travel Plan monitoring.
- 7) Management – The establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).
- 8) Biodiversity – Contribution (amount to be confirmed) towards off-site measures to achieve biodiversity net gain.
- 9) Air quality – Contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

- 10.138 The Community Infrastructure Levy (CIL) is not yet adopted in Kirklees, therefore the council is unable to secure contributions at CIL rates at this stage.
- 10.139 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.
- 10.140 At the Strategic Planning Committee meeting of 28/10/2020, Cllr Eric Firth requested confirmation that the allocation of apprenticeships (during construction at this site) would involve Dewsbury College. The applicant has advised that local people would be welcome to apply for apprenticeships, but that a formal arrangement with Dewsbury College would not be possible, as Barratt Homes already have national and Yorkshire-wide arrangements for allocating apprenticeships, which in some cases involves apprentices travelling to sites outside their boroughs and working at more than one site during their apprenticeships.

Other planning matters

- 10.141 Given the council's consultation and reconsultation (detailed above), the number of responses received, the work of Members in their respective wards, and press coverage, officers are of the view that there is good public knowledge of the proposed development and the current planning application.
- 10.142 The applicant's motives for submitting a planning application are not material planning considerations.
- 10.143 A condition removing permitted development rights from some of the proposed dwellings is recommended. This is considered necessary for the dwellings proposed with smaller gardens, as extensions under permitted development allowances here could reduce the private outdoor amenity spaces to an unacceptable degree.

11.0 CONCLUSION

- 11.1 The application site is allocated for residential development under site allocation HS47, and the principle of residential development at this site is considered acceptable.
- 11.2 The proposed development has relatively few shortcomings that would attract negative weight in the balance of relevant planning considerations. The proposed development's benefits (including the provision of 260 dwellings of which 52 would be affordable homes, construction-phase employment, planning obligations that would benefit the public as well as residents of the development, and the required biodiversity net gain), however, attract significant positive weight.

- 11.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), adjacent developable land, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or can be addressed at conditions stage.
- 11.4 Approval of full planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 11.5 The NPPF introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions, it is considered that the proposed development would constitute sustainable development (with reference to paragraph 11 of the NPPF) and is therefore recommended for approval.

12.0 CONDITIONS (summary list – full wording of conditions, including any amendments/ additions, to be delegated to the Head of Planning and Development)

1. Three years to commence development.
2. Development to be carried out in accordance with the approved plans and specifications.
3. Submission of a Construction (Environmental) Management Plan.
4. Submission of details of temporary drainage measures.
5. Submission of details of temporary waste collection and storage (should development be phased, and/or dwellings become occupied prior to completion of the development).
6. Provision of site entrance and visibility splays prior to works commencing.
7. Archaeological trial trenching prior to commencement.
8. Submission of interim and final details of spine road / Chidswell Lane junction.
9. Submission of details relating to internal adoptable roads, cycling provision and crossings.
10. Cycle parking provision to be provided within the site.
11. Provision of Electric Vehicle charging points (one charging point per dwelling with dedicated parking).
12. Provision of waste storage and collection.
13. Coal Mining Legacy – development to be in accordance with the content and conclusions of the Geo-environmental Investigation Report.
14. Submission of trash screen details and related drainage information.
15. Submission of an Intrusive Site Investigation Report (Phase II Report).
16. Submission of Remediation Strategy.
17. Implementation of Remediation Strategy.
18. Submission of Validation Report.
19. Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise
20. Submission of air quality assessment and details of mitigation measures.
21. Submission of details of crime prevention measures.
22. Submission of details of external materials.
23. Submission of details of boundary treatments.

24. Submission of details of external lighting.
25. Submission of full landscaping scheme, including soft landscaping in front of units 103 to 114.
26. Submission of full details of open space and playspace.
27. Biodiversity enhancement and net gain.
28. Submission and implementation of an Ecological Design Strategy / Landscape and Ecological Management Plan.
29. Removal of permitted development rights.

Background Papers:

Application and history files.

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2019%2f92787>

Certificate of Ownership – Certificate B signed