
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 03-Jun-2021

Subject: Planning Application 2021/90552 Formation of 43 allotments, 17 car parking spaces, new access road and 1.8m high palisade fencing with access gates Land off, Ravensthorpe Road, Dewsbury, WF12 9EE

APPLICANT

Angela Blake, Kirklees
Council Environment and
Climate

DATE VALID

11-Feb-2021

TARGET DATE

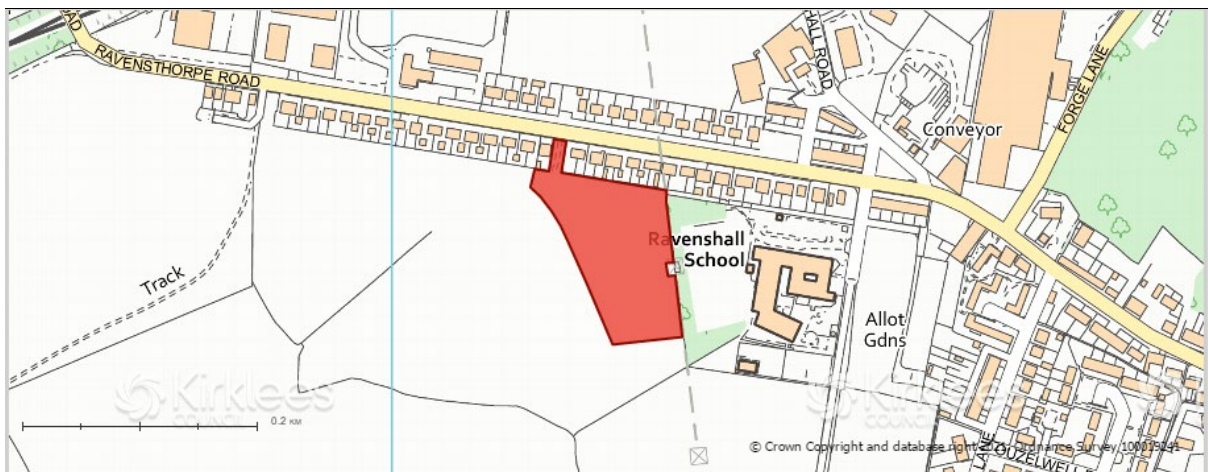
08-Apr-2021

EXTENSION EXPIRY DATE

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

<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 South

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.

1.0 INTRODUCTION:

- 1.1 This application is reported to the Strategic Planning Committee in line with the Council's Scheme of Delegation as the size of the site is over 0.5ha.
- 1.2 This application is submitted by the Council and forms a key phase in the delivery of the Dewsbury Riverside development. It proposes the creation of new allotments to enable the closure of existing nearby allotments close to Ravenshall School. The cessation of these existing amenities would enable the future necessary infrastructure works that are required to deliver the wider Dewsbury Riverside project.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site, which is currently used as farmland, extends to 1.2 hectares. It is bounded to the north by the rear gardens of houses at 59-83 Ravensthorpe Road and to the east by a line of mature planting, beyond which lies a playing field associated with Ravenshall School. Further farmland lies to the south and west. The site is gently undulating in its topography.
- 2.2 Both the application site and adjoining land to the south and west form part of housing allocation HS61 in the Kirklees Local Plan. In its entirety, the allocation extends to 161.37 hectares (gross site area) with an indicative capacity of 1,869 dwellings during the Local Plan period (2019-2031) and the potential for a further 2,131 dwellings beyond the plan period.
- 2.3 The application site is owned by the Council and is presently subject to an agricultural tenancy.

3.0 PROPOSAL:

- 3.1 This application seeks full planning permission for the construction of a new allotment site to provide 43 x 200m² (approximately) allotments. These would be laid out along the eastern and western boundary of the site with a central block surrounded by a footway to provide pedestrian access to each of them. This path would be suitable for occasional vehicular access, enabling allotment holders to deliver material to their plots. Each plot would be edged with timber kerbs to delineate it. Access to water would also be provided throughout the site with each two allotments sharing one water tap.

- 3.2 A new car park would be constructed to the northern edge of the allotment to provide 17 spaces (including 2 accessible spaces). This would be set away from the rear boundary of the houses on Ravensthorpe Road by approximately 13 metres. The car park would be accessed via a new road to be created between Nos 79 and 83 Ravensthorpe Road. An existing gravelled bridleway that runs to the side of the access road would be retained. For security, a fence would be installed around the perimeter of the allotments and car park.
- 3.3 For Members' information, the applicant has advised that the existing Ravensthorpe Road allotments are legally considered to be 'temporary', in that they are located on land officially held for housing purposes. It is understood that there is, therefore, no requirement for the Council to apply to the Secretary of State to close these allotments. It is intended, however, to designate the proposed replacement allotments as 'statutory', thereby providing the allotment holders with greater security going forward.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 The most relevant planning history is listed below:

2016/91148: Outline application for residential development
Approved: 12/04/2017

This is an outline planning approval for up to 120 dwellings with all matters reserved, except for the point of access. Vehicular access was proposed via the creation of a new priority T-junction with Ravensthorpe Road.

Condition 3 of that permission required submission of the Reserved Matters within 3 years from the date of the permission i.e. before 12th April 2020. However, as a consequence of the Covid pandemic, the Business and Planning Act 2020 temporarily modified the Town and Country Planning Act 1990. It confirmed that time limits for implementation relating to outline planning permissions were subject to extension. In effect, the deadline for the submission of applications for the approval of reserved matters under an outline planning permission which would otherwise expire between 23 March 2020 and 31 December 2020 was extended to 1 May 2021. As a result, the deadline for the submission of application for the approval of reserved matters under this outline permission was extended to 1 May 2021.

2021/91759: Reserved matters application (layout, appearance, scale, landscaping) for erection of 120 dwellings pursuant to outline permission 2016/94118 for erection of residential development.

This is the Reserved Matters submission pursuant to the above outline planning permission. It was validated on 27 April 2021 and is currently pending consideration.

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

- 5.1 The applicant amended the layout in the course of the application to introduce a greater degree of separation between the parking area and the existing residential properties. No other significant changes were sought.

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 materials considerations indicate otherwise. The Statutory Development Plan for Kirklees is the Kirklees Local Plan (adopted 27th February 2019).

Kirklees Local Plan

- 6.2 The site is allocated for housing within the Local Plan (HS61) with an indicative capacity of 1,869 dwellings during the Local Plan period (2019-2031) and potential for a further 2,131 dwellings beyond the plan period.
- 6.3 The following policies within the Local Plan are most relevant to the determination of this application:
- LP3 Location of new development
 - LP5 Masterplanning of sites
 - LP21 Highways safety and access
 - LP22 Parking
 - LP24 Design
 - LP27 Flood Risk
 - LP28 Drainage
 - LP30 Biodiversity and geodiversity
 - LP32 Landscape
 - LP33 Trees
 - LP38 Minerals safeguarding
 - LP47 Healthy, active and safe lifestyles
 - LP63 New Open Space
 - LP65 Housing Allocations

Supplementary Planning Guidance/Documents

- 6.4 A draft Open Space SPD was published by the Council in 2020 as part of the 'Quality Places' consultation. It has undergone public consultation but has not yet been adopted. However, its content is consistent with the policies and objectives of the Kirklees Local Plan and it is therefore considered that modest weight can be attached to it at this stage. A Biodiversity Net Gain Technical Advice Note was published at the same time and was also subject to public consultation. It is yet to be adopted but it provides guidance on how Biodiversity Net Gain should be achieved by development within Kirklees in the intervening period before the introduction of the Environment Bill.
- 6.5 On the 19th March 2019 the Council's Cabinet endorsed a masterplan for the Dewsbury Riverside site – the Dewsbury Riverside Delivery Framework. This document indicates 3 points of access into the site from Ravensthorpe Road, Forge Lane and Lees Hall Road, connected via a new spine road, which would feed into an internal access loop within the site. The Framework acknowledges that the scale of the development is intended to be large enough to allow a degree of "market repositioning" and thereby to act as a catalyst for the regeneration of the wider area. This document provides guidance to inform the future delivery of the Dewsbury Riverside development.

National Planning Guidance

- 6.6 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. The following sections of the National Planning Policy Framework (NPPF) are most relevant to the consideration of this application:

Chapter 7: Requiring good design

Chapter 8: Promoting healthy and safe communities.

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application was advertised as a major development in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) by means of site notices and a press notice in The Reporter, published on 11 March 2021. It was also advertised by means of direct neighbour notification letters that were sent on 5 March 2021.
- 7.2 A total of 9 representations have been received raising a combination of objections and comments. Of these, 8 object to the application whilst the final response comprises comments provided on behalf of the current allotment holders. These are detailed separately below.
- 7.3 The following is a summary of the points raised. It is not a complete replication of the responses, which can be viewed in full on the Council's website at: <https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90552>

General

- Why has the number of allotments increased?
- Who will rent these allotments?
- Will people be coming and going all day and night?
- Livestock will cause more rats and noise to the area.
- The Coal Authority report suggests that they should not be built.
- This building will disturb the abundance of wildlife in the area alongside the views of residents.
- How can the public access the field adjacent to the allotments if access road is made private and fenced?

Transport

- It will cause a parking issue outside existing houses;
- 43 allotments and 17 car parking spaces. Where are the rest going to park?
- It will create extra traffic on a busy road.

Flooding

- On-going issue with flooding on Ravensthorpe Road and developing this land may cause flooding to the road and properties.
- The proposed site has ongoing flooding/water retention issues, causing flooding of the highway/residents' gardens.

Living Conditions

- The noise and traffic is bad enough at the moment without adding more to it;
- Privacy issues.

7.4 The existing allotment holders have submitted the following comments:

- What provision is being made for the existence of the Congress of Newts currently breeding on the current Ravensthorpe Road Allotments which are a protected species?
- What are the results of the Soil Tests supposedly carried out on the proposed new site?
- What action is being taken to resolve the issues of drainage on the proposed new site?
- Is provision being made for Disabled Access to the proposed new site along with the facility to provide raised beds for any Disabled/Wheelchair User Allotment Holder to be able to work with?
- Is provision being made for each individual new allotment to be securely fenced to ensure separation from neighbouring allotment holders and to ensure the ability to work each separate allotment with a degree of autonomy/privacy?
- Has consideration been given to the installation of Security Cameras, with information from such being accessed by Allotment Holder via an App on their phones, in order to enable them to maintain security in respect of each individual plot?
- Has any provision been made to provide toilet facilities on the proposed site, including Disabled Access facilities?
- When will the current Allotment Holders have access, or input to, the proposed plans for the new Allotments to ensure that all aspects of these are being met and addressed?
- Feel that further involvement could have been applied, particularly with the use of current technology, which could have been initiated across most allotment holders to enable all relevant points to have been raised before this stage.

7.5 Ward Councillor Ahmed has confirmed that he has no objection to the application. He has noted that the allotment closure should be a smooth transition, but is mindful of the discussions that have already taken place between the existing allotment owners and the Council.

7.6 The applicant has also advised that prior to the submission of this application, the views of stakeholders, including existing allotment holders, were obtained and considered during the scoping and design process for the new allotments. Council officers, including the Council's Allotments Manager, met with allotment holders and the chair of the National Allotment Society in September and December 2019 to share information about the proposals and to listen to initial views and suggestions. The feedback from this early consultation, including thoughts on the preferred location, layout and practicalities, was fed into the design brief. Draft designs were then developed and shared with allotment holders in a consultation pack in August 2020. The issues raised through this consultation were then considered and fed into the final design. A document summarising the matters raised and the Council's responses was sent to stakeholders in October 2020.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

KC Lead Local Flood Authority: No objection.

KC Highways: No objection subject to conditions.

Coal Authority: No objection to the proposal. The Coal Authority recommend that the applicant should be advised that a watching brief for all excavations/ground works, and stripping operations, should be followed as a suitable precautionary measure and the site workforce, should be made aware that unrecorded mine entries could affect the site. If any unexpected ground conditions are found then the Coal Authority should be contacted immediately.

8.2 Non-statutory:

KC Trees: No objection

Police Architectural Liaison Officer: West Yorkshire Police are satisfied that the security for this site has been designed appropriately and support the principal of this application in its current form.

KC Environmental Health: No objections subject to conditions.

9.0 MAIN ISSUES

- Principle of development;
- Living conditions of existing occupiers;
- Highways
- Ground conditions;
- Flood Risk and drainage;
- Response to representations;
- Other matters;

10.0 APPRAISAL

Principle of development

- 10.1 Paragraph 47 of the National Planning Policy Framework (NPPF), confirms that planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise. The Framework is a material consideration in planning decisions.
- 10.2 The development plan for Kirklees is the Kirklees Local Plan (KLP), adopted on 27 February 2019. Policy LP1 of the KLP reflects guidance within the NPPF that when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework. It states that proposals that accord with the policies in the Kirklees Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 10.3 Within the KLP, this site is allocated for housing, forming part of allocation HS61 (Dewsbury Riverside) - land to the south of, Ravensthorpe Road / Lees Hall Road, Dewsbury. The allocation extends significantly beyond the application site to a total gross site area of 161.37 hectares. The existing allotments also lie within the boundary of the site allocation.
- 10.4 The Dewsbury Riverside Masterplan Framework (March 2019) establishes a mechanism for the future development and delivery of the Dewsbury Riverside site. It clarifies the regeneration context and the ambition of the project as a sustainable urban extension to the south of Dewsbury. Of particular relevance to this application is the identified approach to movement and connectivity. It confirms that access to the allocation would be provided principally at four locations, with their delivery phased with the development. It includes a primary means of access via a continuation of Forge Lane into the site. The Framework confirms that the delivery of the Forge Lane access would allow for later phases to be brought forward earlier as the infrastructure would be in place at the heart of the site. However, the delivery of this access would be dependent upon the re-location of the Ravenshall allotments and consequently, this application is an early step towards achieving the Council's strategic objectives for the site.
- 10.5 Policy LP65 of the KLP advises that planning permission will be expected to be granted for sites allocated for housing in the Local Plan if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map. The 'other site specific considerations' listed in the site box pursuant to allocation HS61 include the following:
- 'Replacement allotment provision of equivalent or better quantity and quality will be required in a suitable location as part of the development'*
- 10.6 There are currently 24 allotments at the Ravenshall site of various sizes ranging from 98m² through to 557m², with most being between 240m² and 350m². From observations on site, some of the allotment holders have constructed sheds/greenhouse structures.

- 10.7 This application would replace the existing allotment provision, but it would also provide an additional 18 allotments to accommodate additional demand. The proposed allotments would be of a consistent size at approximately 200m². Guidance published by the National Allotment Society recommends the 'ten pole plot' (or its nearest metric equivalent of 250m²) as the template for the subdivision of allotment land but it also confirms that there is no legal definition of the minimum size of an allotment garden. In this case, the provision of 200m² plots provides an effective sub-division of the land to maximise meaningful allotment provision. It would also facilitate an infrastructure of paths, a water supply on site and timber kerbs to delineate each plot.
- 10.8 Whilst beyond the scope of statutory planning considerations, it is relevant to note that the applicant has obligated to a 4-5 month 'transition period' between opening the new allotments and closing the existing allotments to enable the plot holders to harvest seasonal crops and relocate to the new site. Further assurances have been given to existing allotment holders to help with the relocation. These include a commitment that all new replacement plots will be dug and prepared for planting with topsoil provided to a depth of up to 60cm. Additionally, where a plot holder currently has a shed or greenhouse on their plot, a suitable flagged based would be constructed on the new site. Furthermore, if they have fruit bushes/trees on their plot, young replacement plants would be provided.
- 10.9 Overall, it is considered that the proposed allotment provision would be of a better quantity and quality than the existing provision. It would be in a suitable location as part of the development, positioned close to the existing settlement (for existing allotment holders) as well as providing an allotment opportunity for future residents. Its relocation is therefore consistent with the requirements of the Site Allocation set out above. It would also facilitate the potential for the future access to the site via Forge Lane to be delivered. It would therefore comply with the objectives of Policy LP65 of the KLP. It would also contribute to the objectives of Policy LP47 of the KLP, which advises that healthy, active and safe lifestyles will be enabled by a range of measures, including the support of initiatives that support or improve access to healthy food, such as allotments. The proposal is therefore acceptable in principle.

Design considerations

- 10.10 Policy LP24 of the KLP advises that good design should be at the core of all proposals in the district. Whilst the design of the allotments is principally determined by its function, it is noted that the applicant seeks to enclose the site with palisade fencing. Notwithstanding the security benefits of this type of fencing, it is considered that a more attractive and secure fence could be achieved (e.g. paladin), which would have a softer impact on the landscape. To ensure compliance with Policy LP24, a condition is therefore proposed requiring further details of the boundary fence to be agreed prior to commencement.

Living conditions of existing occupiers

- 10.11 Policy LP24 of the Kirklees Local Plan advises at (b) that proposals should provide a high standard of amenity for future and neighbouring occupiers. This reflects guidance at Paragraph 127 of the Framework, which advises that developments should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

- 10.12 The allotments would be located to the rear of existing residential properties on Ravensthorpe Road. The nearest allotment would be in excess of 40 metres from the rear elevation of these houses, which is sufficient to ensure that there is no loss of privacy or overlooking of existing residents. The allotments would also be screened by fencing to provide a further degree of separation.
- 10.13 In terms of noise, it is considered that the nature of the allotment use would not give rise to any undue concerns relating to noise. There would be no artificial lighting at the site and it would essentially operate within daylight hours to minimise any late night disturbance. This is also a relocation of existing facilities already utilised by local residents. In this regard, Environmental Health have confirmed that there have been no Statutory Nuisances substantiated under the Environmental Protection Act 1990 in the past 3 years, with the last recorded complaint being 2004. Furthermore, it should be considered within the context of the site's allocation as part of Dewsbury Riverside, such that the land would, in any event, change from its current function as farmland.
- 10.14 It is acknowledged that future allotment holders would use the new access road to be constructed between Nos 79 and 83 Ravensthorpe Road. This would serve the new parking area. Whilst this would inevitably result in some additional coming and goings compared to the existing status of the site as farmland, the number of allotments is modest. Furthermore, they are intended to serve the local community such that it would be unlikely that all allotment holders would be on site at one time nor would they necessarily always drive to the site.
- 10.15 For these reasons, it is considered that the relocated allotments would not result in any undue disturbance to nearby occupiers to warrant a refusal of the application. It is therefore considered to sufficiently comply with Policy LP24 of the KLP and guidance within the NPPF.

Highway and access issues

- 10.16 Policy LP21 of the Kirklees Local Plan advises that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Policy LP21 reflects guidance within the NPPF, which states at Paragraph 108 that in assessing applications for development, it should be ensured that there are appropriate opportunities to promote sustainable transport modes, 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 can be viably and appropriately mitigated. Paragraph 109 confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In the regard, the application is supported by a Transport Statement to consider the accessibility of the site and the highway impact of the proposals.

Access

- 10.17 The site access would be taken from Ravensthorpe Road via an existing track access. It would be approximately 4.5m wide with a 3m wide bridleway and a 1.1m wide grass verge along the western side. A grass verge would also be provided along the eastern side with a variable width between 1.2m and 2.4m. This access would be gated.

Access by means other than the private car

- 10.18 With regard to pedestrian accessibility, the Transport Statement highlights the Chartered Institution of Highways and Transportation (CIHT) publication 'Guidelines for Providing for Journeys on Foot' (2000), which describes what are considered acceptable walking distances for pedestrians without mobility impairment. It indicates that journeys under 2km walking distance have the potential to substitute short car trips, which would extend significantly from this site to Ravensthorpe and Thornhill Lees. The site is therefore accessible by foot to the local vicinity. Similarly, in relation to cycling, the Statement notes that it is generally accepted that cycling has the potential to substitute short car trips, particularly those under 5km. Whilst some allotment users may choose to drive to carry equipment etc., the site is nonetheless accessible to the local community by means other than the private car.
- 10.19 The site would also be reachable by public transport with the nearest bus stop sited approximately 500m walking distance on Ouzelwell Lane, this is served by the 128/128A Wakefield to Dewsbury route, which is principally a daytime (to early evening) service Monday-Saturday.

Trip Generation

- 10.20 Whilst there are no comparable sites within the TRICS database (a national system of trip generation analysis) for estimating traffic generation from the allotment site, in terms of vehicle movements, it is considered that the future users of the allotments would most likely be residents living in the local area. As such, it would generate low levels of vehicular traffic. It is also considered that allotments would not typically generate weekday peak hour trips when the background traffic is at its highest. Furthermore, the trips associated with the existing allotments, which would be closed down as part of this proposal, would transfer to the new site and are therefore already on the network. Consequently, the supplementary number of trips arising from the additional 18 allotments would be limited. The Transport Statement therefore reasonably concludes that the traffic associated with the allotments at the new site would have only a negligible traffic impact and it could not be considered severe.

Parking

- 10.21 Turning to parking provision, the existing allotment site provides 24 generous pitches with approximately 6 car parking spaces accessed from Ravensthorpe Road. This provides a car parking ratio of 0.25 per allotment plot. The application would provide 17 car parking spaces for 43 allotments. This would result in a parking ratio of 0.40 spaces per allotment plot, which is a greater provision than the existing. It is therefore considered to be acceptable in this instance.

Assessment

- 10.22 The Council's Highways Development Management Officer notes that Ravensthorpe Road is a single carriageway road running from Calder Road to the west and Lees Hall Road to the east. It is approximately 8.0m wide with a 2.0m wide hatching along the centre of the carriageway and is subject to a 30mph speed limit throughout. The road has 1.5m wide footways in the vicinity of the application site access.

- 10.23 The site access would be taken from Ravensthorpe Road via the existing track access. The plans show visibility splays of 2.0m x 43m in both directions from the site access onto Ravensthorpe Road and these can be achieved and would be secured by condition. The plan also shows that to accommodate this visibility splay, the footway along Ravensthorpe Road has been widened from 1.4m to 1.8m along the extent of the access road. It then tapers into the existing footway on either side.
- 10.24 The parking ratio of 0.40 spaces per allotment plot is a greater provision over the existing. Given the site access visibility improvements and on the basis that an improved parking ratio is proposed, Highways Development Management have no objection to the application subject to a condition requiring a detailed scheme for the provision of the access, including the submission of an independent Safety Audit covering all aspects of the work. The vehicle parking area must also be constructed in permeable paving and appropriately drained. Subject to the imposition of these conditions, the proposal is considered to be acceptable in accordance with Policy LP21 and guidance within the Framework.

Landscaping and Biodiversity

- 10.25 Policy LP33 of the KLP advises, amongst other matters, that proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme. This scheme will not impact on any trees and the Council's Tree Officer has no objection.
- 10.26 Turning to biodiversity, Policy LP30 of the KLP confirms that the Council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. As relevant to this site, it advises that development proposals will be required to (i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement and (ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist as well as (iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.
- 10.27 The applicant has submitted an Ecological Impact Assessment (EclA), which included both a desk-top and field survey. The EclA notes that the site is a single arable field. It has been assessed as having a low ecological baseline. It concludes that proposals for a new allotment would impact upon only a small amount of low value habitat and it is not expected to affect any rare or protected species, other than nesting birds. Furthermore, the creation of allotments (moderate value habitat) on land currently assessed as being of low value would in itself mitigate the effects of small-scale habitat loss. Standard precautions are recommended for nesting birds, which can be secured through a suitably worded condition for a pre-commencement walkover survey.
- 10.28 In terms of Biodiversity Net Gain, the proposed development is expected to be able to deliver a significant net gain for biodiversity of +20% and, as such, no off site compensation would be required.

- 10.29 The Council's Ecologist has considered the Ecological Report and advised that the EclA followed CIEEM guidelines for ecological impact assessments and provides a clear assessment of the likely ecological impacts anticipated. The EclA concludes that with the application of mitigative measures, significant ecological harm can be avoided and therefore, the proposals are in accordance with Local Plan Policy LP30i. The proposals would result in the loss of some arable field margins, which are classed as a Kirklees Habitat of Principal Importance in the Pennine Foothills Biodiversity Opportunity Zone. However, as these are considered to be of low quality, their removal is not anticipated to have major implications beyond a site level. A condition will be required to ensure nesting birds are considered during construction.
- 10.30 The EclA also includes assessment of the site with the Biodiversity Metric 2.0. It concludes that post-development, as a result of the introduction of allotments, introduced shrubs and mixed scrub, the scheme would deliver a 21.15% biodiversity net gain. This is in line with the Council's present ambition for a 10% net gain and therefore satisfies Local Plan Policy LP30ii and Section 15 of the NPPF. A condition for an Ecological Design Strategy for the creation and maintenance of habitats will be required, including details on species mix to be planted. Faunal enhancements would also be required, including maintaining permeability for hedgehogs through the site. For these reasons, the proposal is considered acceptable with regard to biodiversity in accordance with the Local Plan.

Ground conditions

- 10.31 Notwithstanding its residential allocation, the site is also within a Minerals Safeguarded Area and subject to Policy LP38 of the Local Plan. This policy seeks to safeguard minerals on sites in excess of 1000m² unless it can be demonstrated that the mineral has insufficient economic value, in which case not extracting the mineral prior to development can be justified. The policy also allows for the minerals to remain, if there is an overriding need for the proposed development. The site, has in parts, been quarried already and it is accepted that there is an overriding need within the district for the delivery of new housing, which this scheme would facilitate. As such no objection is raised in this regard and it is compliant with Policy LP38.
- 10.32 Policy LP53 of the KLP advises that development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. In this case, the application is supported by a Phase I and II Geo-Environmental Site Assessment and a Coal Mining Risk Assessment (CMRA) as well as a Remediation Statement for topsoil to be imported into the site.
- 10.33 Elevated levels of arsenic were recorded during the initial survey and as a result, a remediation strategy has also been submitted. It is proposed to excavate the topsoil to a depth of 600mm and dispose off-site. A capping layer would then be installed and inert topsoil imported. As part of the validation strategy, the base of the excavation will be tested for contamination prior to importing the capping layer and topsoil. The capping layer and topsoil would also be tested for contamination prior to introducing it within the site. A validation report would then be completed by an independent specialist consultant to confirm the implementation of the remediation and validation strategies

- 10.34 The Council's Environmental Health Officer initially advised that from the Phase I Environmental Desk Study and Coal Risk Assessment it is apparent that there have been potentially contaminative uses on the site (and/or adjoining land), which could impact upon the development and/or the environment. Consequently, both reports conclude that intrusive work is necessary to determine the contamination status and coal mining legacy at the site. Environmental Health agree with the findings of these two reports and confirm that they are satisfactory.
- 10.35 From the intrusive investigation undertaken in October 2020, it identified elevated levels of arsenic across the site. The report recommends that a site-specific remediation strategy is required once the precise nature of the development has been finalised. Environmental Health initially considered that further information was necessary in this regard to provide clarification on some of the further testing that was undertaken, including what is meant by bio-testing, and an analysis of the arsenic bio-accessibility tests that were undertaken. The further information provided by the applicant confirms that average level of arsenic appears to be only 20% higher than the expected background value. In light of this, and due to the Greenfield nature of the site, it is considered that these readings may be due to slightly elevated naturally occurring concentrations of arsenic, with some natural variation across the site. However, the levels are such that it arsenic is considered unlikely to adversely affect human receptors if the soils were consumed. Environmental Health have subsequently confirmed that the revised information is clearly presented, is supported with in-text commentary and is therefore satisfactory.
- 10.36 With regard to the Remediation Statement, Environmental Health note that the report details the remediation strategy for clean cover, coal seams and ground gas. Firstly, it is specified that 600mm of soil is removed and replaced with 600mm clean cover (500mm topsoil and 100mm granular material). Then it is detailed that should a coal seam be identified; this will be sealed with concrete to prevent spontaneous combustion. Lastly, whilst it is specified that 'buildings will not initially be constructed on site', it is considered that any future buildings must be fitted with a 2000-gauge methane and radon protective membrane incorporated into the ground slab, in line with CIRIA recommendations. The report concludes by providing unexpected contamination and validation proposals. Environmental Health required some further justification and clarification, including reasoning for the screening criteria. This was subsequently submitted and Environmental Health have confirmed that the revised Environmental Report is sufficient as a stand-alone remediation report. A condition is proposed requiring implementation of the remediation strategy and the submission of a validation report to confirm that the measures set out in the remediation strategy have been completed on site before the site is first brought into use.
- 10.37 The CMRA considers the risk of stability across the site. It notes that three coal seams are anticipated to be present within 30m of the surface of the site. Whilst these seams may be of limited thickness, the possibility of them being worked cannot be ruled out. Overall, the site is in an area anticipated to be affected by shallow mine workings and two mine shafts are present on site. For shallow workings, the CMRA acknowledges that the primary risk caused by these features is likely to manifest as crown hole collapse, causing localised areas of depressions or subsidence. Whilst the scale of the workings beneath the site is unknown, given the type of development proposed, site wide remediation in the

form of drilling and grouting is unlikely to be economical. The construction of allotment gardens would require no major infrastructure to be built at the site (albeit temporary buildings such as greenhouses or sheds could be constructed by allotment owners). As such, the magnitude of damage posed to surface features by potential collapse is considered to be low and the risk to human life limited.

- 10.38 The Coal Authority have considered the CMRA and raise no objection to the proposal. They principally advise that a watching brief for all excavations/ground works, and stripping operations, should be followed as a suitable precautionary measure and the site workforce, should be made aware that unrecorded mine entries could affect the site. If any unexpected ground conditions are found then the Coal Authority should be contacted immediately. This will be secured by condition.
- 10.39 Subject to the imposition of the above conditions, it is considered that the proposal can be sufficiently compliant with Policy LP53.

Flood Risk and drainage

- 10.40 Guidance within the NPPF advises at Paragraph 163 that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. This approach is reinforced in Policy LP27 of the KLP, which confirms, amongst other matters, that proposals must be supported by an appropriate site specific Flood Risk Assessment (FRA) in line with National Planning Policy. Policy LP28 of the KLP relates to drainage and notes a presumption for Sustainable Drainage Systems (SuDs) and also, that development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 10.41 The site falls within Flood Zone 1, which means that it is at a low risk of flooding. However, because the site area exceeds 1 hectare, a Flood Risk Assessment has been submitted. Because of its location entirely within Flood Zone 1, consultation with the Environment Agency is not required. However, the Lead Local Flood Authority (LLFA) have been consulted in relation to surface water drainage.
- 10.42 The FRA notes the topography of the site ranging from 44.30 metres above Ordnance Datum (mAOD) in the north of the site to 50.67mAOD in the south of the site. There are no watercourses evident either on, or within the vicinity of the site. It is understood that the site currently drains to the public sewers. A combined Yorkshire Water public sewer runs down Ravensthorpe Road draining the areas foul and potentially roof drainage of the surrounding areas. The combined system ultimately discharges to the Mitchell Laithes Wastewater Treatment Works.
- 10.43 The risk of flooding has been considered within the FRA and it concludes that the site is not at risk of flooding from a major source (e.g. fluvial and/or tidal). It also has a 'low probability' of fluvial/tidal flooding as the site is located within Flood Zone 1 with less than a 1 in 1000 annual probability of river flooding in any year. Surface water flooding is considered to represent a low significant risk but overall, the flood risk to the site can be considered to be limited and it is unlikely to flood except in very extreme conditions.

- 10.44 In terms of drainage, a SuDS strategy would be adopted. The allotments would be maintained as vegetated areas and would allow infiltration of rainfall. The pathways within the development would be constructed with a permeable surface such as gravel or a mainly green, vegetated area. Water from an impermeable surface would be directed to a border rain garden or soakaway and infiltration devices – soakaways/filter strips would be incorporated. The car parking area/access would also be constructed of permeable material. Ground conditions suggest that infiltration methods will work at the site. Additional storage would be provided within the manholes, pipes and drainage gullies, which would provide betterment over and above the 1 in 100 year (+40%) event.
- 10.45 The FRA concludes that these methods would reduce peak flows and the volume of runoff, would slow down flows, and would provide a suitable SuDS solution for this site. The adoption of a SuDS Strategy for the site represents an enhancement from the current conditions as the current surface water runoff from the site is uncontrolled, untreated, unmanaged and unmitigated. The SuDS Strategy would therefore reduce the risk of flooding to the site and off-site locations. This strategy has been considered by the LLFA who raise no objections and do not consider the imposition of conditions to be necessary. The LLFA originally noted that the access to Kirklees Council's debris screen to the west of the site was narrow but this was resolved by the revised layout. Taking all these matters into account, the proposal is considered to comply with Policies LP27 and LP28 of the KLP and guidance within the NPPF.

Climate Change

- 10.46 Given the nature of the proposal, the potential to assess its impact on climate change is limited. The allotments are intended to provide a facility for local people to grow their own food. They would not generate any significant energy demands and their proximity to existing residents should encourage allotment holders to arrive by means other than the private car where practicable. Environmental Health have also requested that an Electric Vehicle Charging Point be provided. However, on the grounds that no electricity is to be provided at this site, the applicant has advised that it would not be feasible to provide an EVCP. Given the specific nature of this proposal, the lack of electricity supply is considered to be a reasonable extenuating circumstance that would preclude the provision of EVCP on this occasion.

Other Matters

Crime Prevention

- 10.47 The Council's Designing out Crime Officer has provided comments on the application. He is satisfied that the security of the site has been designed appropriately and supports the principle of the application in its current form.

11.0 RESPONSE TO REPRESENTATIONS

- 11.1 The majority of representations have been addressed in the report above. However, the following provides a response to specific points:

Why has the number of allotments increased?

Response: To accommodate both existing provision and increased future demand in accordance with the requirements of the site allocation.

Who will rent these allotments?

Response: The existing allotment holders will relocate to these allotments and the remaining allotments will be available to rent via the Council.

Will people be coming and going all day and night?

Response: Access will be unrestricted for allotment holders but it is considered that they will mostly be visited during daylight hours.

Livestock will cause more rats and noise to the area.

Response: These are allotments and not for the keeping of livestock.

The Coal Authority report suggests that they should not be built.

Response: The findings of the CMRA are set out in the report above, which does not conclude that the allotments should not be built.

This building will disturb the abundance of wildlife in the area alongside the views of residents.

Response: The ecological impact and the effect of the proposal on the living conditions of future occupiers is set out above. In planning case law it is well established that there is no right to a view.

How can the public access the field adjacent to the allotments if access road is made private and fenced?

Response: The public bridleway will be maintained.

On-going issue with flooding on Ravensthorpe Road and developing this land may cause flooding to the road and properties.

Response: This is fully addressed in the report above.

What provision is being made for the existence of the congress of newts currently breeding on the current Ravensthorpe Road Allotments which are a protected species?

Response: The effect of any works at the existing site on newts, which are a protected species, will be assessed at that time.

What are the results of the soil tests supposedly carried out on the proposed new site?

Response: This is set out in the report above.

What action is being taken to resolve the issues of drainage on the proposed new site?

Response: How the site will be drained is detailed in the report above. The LLFA raise no objection to the proposal.

Is provision being made for disabled access to the proposed new site along with the facility to provide raised beds for any disabled/wheelchair-user allotment holder to be able to work with?

Response: No raised beds would be provided. The new allotments would be cleared so that plot holders could lay them out as they wish. Plot holders would be permitted to create their own raised beds. Disabled parking has been provided directly adjacent to allotment plots, with accessible pathways providing access to all plots.

Is provision being made for each individual new allotment to be securely fenced to ensure separation from neighbouring allotment holders and to ensure the ability to work each separate allotment with a degree of autonomy/privacy?

Response: This is not a planning consideration. How the site is sub-divided and managed internally is a matter for the relevant section of the Council who manage allotments.

Has consideration been given to the installation of security cameras, with information from such being accessed by allotment holder via an app on their phones, in order to enable them to maintain security in respect of each individual plot?

Response: Such security does not form part of the existing site and there is no evidence that such site security is necessary. In any event, they would be enclosed by security fencing and the allotments would also be well overlooked by existing housing.

Has any provision been made to provide toilet facilities on the proposed site, including disabled access facilities?

Response: The applicant does not propose to install toilet facilities on the basis that they are not provided on the majority of other allotment sites and they do not exist on the current allotment. Moreover, it is likely that the allotments would serve local residents in any event.

When will the current allotment holders have access, or input to, the proposed plans for the new allotments to ensure that all aspects of these are being met and addressed?

Response: As set out in the report, the allotment holders have been consulted throughout the process.

Feel that further involvement could have been applied, particularly with the use of current technology, which could have been initiated across most allotment holders to enable all relevant points to have been raised before this stage.

Response: This is a matter for the applicant although it is evident that there has been ongoing consultation between the Council and the existing allotment holders prior to the submission of this application.

12.0 CONCLUSION

12.1 This application seeks full planning permission for the construction of a new allotment site to provide 43 x 200m² allotments. They would provide a replacement facility, with some additional capacity, for the 24 allotments that are presently sited close to Ravenshall School. The cessation of these existing amenities would facilitate future infrastructure works that are necessary to deliver the Dewsbury Riverside project.

12.2 The proposed allotment provision would be of a better quantity and quality than the existing provision. It would be in a suitable location positioned close to the existing settlement (for existing allotment holders) as well as providing an allotment opportunity for future residents. The proposal is consistent with the requirements of the Site Allocation for Dewsbury Riverside. It is therefore acceptable in principle in accordance with Policy LP65 of the Kirklees Local Plan. It would also meet the objectives of Policy LP47, which supports initiatives that enable or improve access to healthy food, such as allotments.

- 12.3 A full assessment of technical matters pursuant to the development of this site has also been carried out, including drainage, remediation, landscape and biodiversity, which have all been satisfactorily addressed.
- 12.4 The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice. As detailed in this report, the application has been assessed against relevant policies in the development plan and other material considerations. For the reasons set out, it is considered to accord with the development plan when considered as a whole, having regard to material planning considerations. The proposal would therefore constitute development and it is recommended for approval.

13.0 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;
3. Details of the position, style, colour and height of boundary fence;
4. Details of permeable paving to the car park;
5. Detailed scheme for the provision of the access, including the submission of an independent Safety Audit covering all aspects of the work.
6. Implementation of the Remediation Strategy
7. Submission of Validation Report
8. Restriction on construction site working times.
9. Ecological Design Strategy
10. Nesting birds condition (walkover of the site by an ecologist)

Background Papers:

Application and history files:

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2021%2f90552>

Certificate of Ownership – Certificate B signed – Notice served on agricultural tenant