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

**STRATEGIC PLANNING COMMITTEE**

**Date: 08-Dec-2022**

**Subject: Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure (amended and further information received) Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury**

**APPLICANT**

C C Projects

**DATE VALID**

22-Jul-2020

**TARGET DATE**

21-Oct-2020

**EXTENSION EXPIRY DATE**

08-Jan-2021

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

[Public speaking at committee link](#)

**LOCATION PLAN**



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

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**Electoral wards affected: Batley East**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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**RECOMMENDATION:**

Subject to the Secretary of State not calling in the application, 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) Highway capacity / improvement / other works

a) contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).

b) contribution towards Shaw Cross junction scheme.

2) Sustainable transport

a) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).

b) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).

3) Education

a) £300,000 contribution towards interim primary provision.

b) Secondary education contribution of £223,957.

4) Open space, including sports and recreation and playspaces – contribution based on Open Space SPD methodology / formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.

5) Affordable housing – 20% provision.

6) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.

7) Biodiversity

a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);

b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).

8) 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. May include street trees if not adopted.

9) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.

10) Ancient woodland – management plan (and works, if required) for public access to Dum Wood (outside application site, but within applicant's ownership).

11) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.

12) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.

All contributions are to be index-linked.

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution (or of the date the Secretary of State for Levelling Up, Housing and Communities confirms that the application would not be called in) 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 is presented to the Strategic Planning Committee as the proposal is for a major residential development of more than 60 dwellings.

1.2 This report relates to an application for outline planning permission (ref: 2020/92350) which accompanies another outline application (ref: 2020/92331) relating to adjacent land. Both applications were submitted by the same applicant, and both relate to allocated site MXS7.

1.3 Position statements relating to these proposals were considered by the Strategic Planning Committee on 11/07/2019 at pre-application stage (refs: 2018/20078 and 2018/20077), and on 17/11/2020 and 06/10/2022 at application stage.

1.4 This committee report provides comprehensive assessment of all planning issues relevant to this application (referring to commentary in the accompanying committee report for application ref: 2020/92331, where appropriate). It draws together assessment and commentary from the earlier position statements (updated where necessary), and includes responses to queries raised by Members on 06/10/2022. The officer presentation on 08/12/2022 will include further illustrative information.

1.5 The council has been informed that the Secretary of State for Levelling Up, Housing and Communities (SoS) has received a request from a third party to call in the current application. Officers have given an undertaking to the SoS not to issue the decision notice should the Strategic Planning Committee resolve to approve the application – this is to give the SoS an opportunity to

decide whether or not to call in the application, which he would only do if the Strategic Planning Committee resolved to grant permission. The position regarding the SoS is reflected in the officer recommendation.

## **2.0 SITE AND SURROUNDINGS**

- 2.1 The application site is 7 hectares in size. It lies behind existing residential properties at 1064 to 1110 Leeds Road and 1a to 53 Heybeck Lane. Its northeastern tip comes within 110m of the Kirklees / Leeds borough boundary. To the east is the ancient woodland of Dum Wood. Further to the east are fields in agricultural use. To the south is application site ref: 2020/92331. High-level overhead power lines run east-west to the south.
- 2.2 The application site generally slopes downhill from northwest to southeast. The application site's lowest point is approximately 90m AOD at its southernmost point.
- 2.3 Most of the application site is currently in agricultural (arable) use, and is greenfield. No significant buildings exist within the site's boundaries, other than 39 Heybeck Lane.
- 2.4 The application site has no existing direct vehicular access points off Leeds Road or Heybeck Lane, however it can be accessed via the public rights of way network. Public footpath BAT/49/10 passes through part of the application site. There are also public rights of way to the south, and informal paths through the adjacent woodland.
- 2.5 No part of the application site is within a conservation area, and there are no listed buildings within the site. The nearest designated heritage assets within Kirklees are the Grade II listed toll gates on Grange Road to the west. Within Wakefield borough, the Gawthorpe Water Tower to the south is Grade II listed.
- 2.6 Several Tree Preservation Orders protect trees and groups of trees within and close to the application site.
- 2.7 Parts of the application site are within a Development High Risk Area as defined by the Coal Authority. Most of the site is within the Development Low Risk Area.
- 2.8 The application site includes part of site MXS7, which is allocated for mixed use development (housing and employment) in the Local Plan.
- 2.9 Relevant information regarding the wider context of site MXS7 is provided in the accompanying committee report for application ref: 2020/92331.

## **3.1 PROPOSALS**

- 3.1 The applicant proposes the demolition of an existing dwelling at 39 Heybeck Lane, and a residential development of up to 181 dwellings, engineering and site works, landscaping, drainage and other associated infrastructure.
- 3.2 This is an outline application. Access is the only matter not reserved.
- 3.3 A single vehicular entrance is proposed off Heybeck Lane. Other connections (for pedestrians and cyclists) would be created to the south and east.

- 3.4 The applicant has submitted a parameter plan showing maximum building heights, a 20m wide woodland buffer zone and a sewer easement.
- 3.5 The applicant's indicative plan shows public open spaces, a playspace, treeplanting and soft landscaped areas. An existing public right of way would be retained, and new footpaths, footways and cycle routes would be created throughout the site.
- 3.6 Development proposed under application ref: 2020/92331 is described in the accompanying committee report.

#### **4.0 RELEVANT PLANNING HISTORY**

- 4.1 See accompanying committee report for application ref: 2020/92331.

#### **5.0 HISTORY OF NEGOTIATIONS**

- 5.1 See accompanying committee report for application ref: 2020/92331 regarding pre-application masterplanning work, Member and officer engagement, and public consultation.
- 5.2 On 22/05/2018 the council issued an Environmental Impact Assessment (EIA) Screening Opinion, stating that the proposed development of the smaller, northern (Heybeck Lane) part of the MXS7 site did not constitute EIA development (ref: 2018/20077).
- 5.3 During the life of the application, the applicant has provided further information, including in relation to:
- Phasing and delivery;
  - Section 106 and viability matters;
  - Highway impacts and mitigation, including in relation to local junctions;
  - Biodiversity (bat survey, biodiversity net gain calculation and related assessment submitted); and
  - Public consultation (responses to comments made by the Chidswell Action Group submitted).

#### **6.0 PLANNING POLICY AND GUIDANCE**

- 6.1 See accompanying committee report for application ref: 2020/92331.

#### **7.0 PUBLIC / LOCAL RESPONSE**

- 7.1 The application was advertised as a major development that affects Public Rights of Way. Four site notices were posted on 27/08/2020. A press notice was published on 13/08/2020. Letters were sent to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 20/09/2020.
- 7.2 183 representations were received in response to the council's consultation on application 2020/92350. These have been posted online. Many of the representations referred to both applications, and the summary of the comments set out at paragraph 7.2 of the accompanying committee report for application ref: 2020/92331 relates to both applications.

- 7.3 Comments submitted by Mark Eastwood MP in relation to both applications are summarised at paragraph 7.5 of the accompanying committee report for application ref: 2020/92331.
- 7.4 In addition to the five further representations from the Chidswell Action Group (referred to at paragraph 7.6 of the accompanying committee report relating to application ref: 2020/92331), a representation was received from a local resident, raising concerns regarding the use of heavy machinery at the application site.
- 7.5 Further information was submitted by the applicant after the council carried out its consultation in late 2020. Reconsultation was therefore considered necessary before the council makes a decision on the application. On 27/10/2022 reconsultation letters were sent or emailed to all who were previously consulted on the application, and all who had previously commented. Four further site notices were posted on 02/11/2022, and a further press notice was published on 03/11/2022.
- 7.6 116 representations were received in response to this reconsultation, including representations from the Chidswell Action Group and the Kirklees Cycling Campaign. The following is a summary of the comments made:
- Amendments and further information do not address concerns.
  - Proposal is contrary to Local Plan policies and relevant guidance.
  - Proposal is contrary to NPPF.
  - Investment zone should not be created.
  - Loss of green belt land.
  - Loss of green fields.
  - Site should still be green belt.
  - Loss of space separating Leeds, Wakefield and Kirklees.
  - Urban sprawl.
  - Site is an area of outstanding natural beauty.
  - Green space has proven valuable during Covid pandemic and is a free resource of increasing importance due to inflation and recession.
  - Walkers' enjoyment would be affected.
  - Brownfield land and infill sites should be used instead / first.
  - Many existing warehouses and industrial units are empty.
  - Loss of agricultural land. Unclear if site includes best and most versatile land. Assessment requested by Natural England hasn't been provided. Housing and employment need does not outweigh loss of agricultural use. War in Ukraine and Brexit have highlighted need for the UK to produce its own food. Irresponsible to allow loss.
  - Farmer will lose his living.
  - Human population growth should be limited.
  - Overdevelopment.
  - Too many developments in the area.
  - Increased congestion.
  - No mitigation proposed at M62 junction 28.
  - National Highways have objected.
  - Risk to highway safety. Roads are already dangerous. Drivers regularly speed. Accidents regularly happen. Danger to children.
  - Applicant's traffic survey was carried out during lockdown.

- Traffic assessment doesn't take into account approved developments.
- Inadequate provision for walking and cycling, including along routes in the surrounding area.
- Spine road / Chidswell Lane junction would not prioritise pedestrians or active travel.
- Inadequate travel planning measures.
- Development would be car-dependant. Opportunities to reduce car dependence are not being pursued.
- Loss of public rights of way.
- Harm to Leeds Country Way.
- Increased flood risk. Site becomes waterlogged.
- Detailed drainage plan required.
- Climate change and wetter winters will increase flood risk at the site.
- Residents will not be able to obtain insurance due to increased flood risk.
- Increased pollution. Air quality impacts.
- Increase in noise.
- Loss of natural light.
- Light pollution.
- Loss of privacy.
- Loss of views.
- Harm to mental health.
- Impact on wellbeing.
- Applications have caused stress.
- Respiratory illness will increase.
- General amenity impact.
- Amenity impacts of 20 years of construction.
- Loss of wildlife.
- Protected species are present at the site.
- Harm to bats and other species.
- Harm to ground-nesting farmland birds.
- Wildlife surveys inadequate and out-of-date. Several species have been missed. Independent assessment required. Single walkover after a drought provided an inadequate update.
- Yorkshire Wildlife Trust comments have been ignored.
- Claimed biodiversity net gain not accepted. Earlier independent assessment identified a 14% net loss.
- Ancient woodland at risk. Buffer planting is inadequate. Contamination, new residents and changes to water levels will harm woodland.
- Adverse impact on trees.
- Site currently contributes to climate change resilience. Watercourses, woodlands and fields contribute to cooling.
- Approval would be contrary to Kirklees Council's declaration of a climate emergency.
- Renewable energy measures not proposed.
- Unsustainable development.
- A Biodiversity Management Plan, Construction Environmental Management Plan and Invasive Weed Management Plan have not been provided.
- Lighting strategy has not been provided.
- Harm to setting of a listed building.
- Destruction of archaeology.

- Landscape impacts. Applicant's assessment of existing landscape is erroneous.
- Harm to character of the area.
- Geotechnical survey results have not been submitted.
- Insufficient local infrastructure.
- Local schools are already oversubscribed.
- Unwise to build additional primary school when existing schools are unviable.
- Lack of high school provision.
- Local doctors and dentists have no capacity.
- Inadequate local electricity supply.
- The need for the development should be reviewed in five years' time.
- Development is for profit.
- Houses will not be affordable.
- Impact on property values.
- Council should not have redacted representations.
- Some local residents were not reconsulted.
- Local MPs have objected.
- Previous planning applications have been refused.
- Decision should be deferred.
- Applications should be refused.

7.7 Kim Leadbeater MP made the following comments in relation to application 2020/92350:

*I write to express concern at the size, impact and effect of this proposed development for 181 homes on a site within my constituency of Batley and Spen. The application forms part of a larger plan to create almost 1,600 homes over a 20-year period. The Heybeck Lane element, within Batley and Spen, is anticipated to be delivered early in the development plan.*

*Local residents have raised a number of concerns with me about this application, which is an allocated site within the Local Plan and forms part of the council's programme of works to deliver thousands of homes across Kirklees.*

*There are several aspects of the application that disturb them including:*

- *the scale of the development*
- *the effects of increased traffic, which may exacerbate congestion on local roads due to their inability to cope with extra capacity*
- *the risk of pollution and noise*
- *the loss of agricultural land and consequent environmental impact*

*Among the fears expressed to me were that the amount of affordable housing on the site might be reduced after approval, that house designs could alter, and that house sizes and numbers might be increased. I would be grateful for reassurance on these issues, along with confirmation that contributions towards primary and secondary schools will go ahead.*



*In my view, individual planning applications cannot be considered wholly in isolation when the cumulative impact on the transport infrastructure in particular can be so damaging. I would be concerned, therefore, if determination on the Heybeck Lane site were made without taking into account the larger Chidswell site with which it is linked.*

*As you will know, the Chidswell Action Group are particularly exercised at the loss of high-quality agricultural land and the impact on the rich and complex biodiversity of the area. I would add to that my own concerns about the impact of such large developments on the health and wellbeing of local people.*

*I would be grateful if you would take on board these concerns, and to address them as the application moves forward through the planning process.*

7.8 To date, a total of 305 representations have been received in relation to the application.

7.9 Any further representations received after 24/11/2022 and before the committee meeting of 08/12/2022 will be reported in the committee update or verbally.

## **8.0 CONSULTATION RESPONSES**

8.1 Where a consultee has submitted a single response relating to both outline applications (or the same responses relating to both), reference is made to the response summarised in the committee report for application ref: 2020/92331.

### **8.2 Statutory**

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

8.4 National Highways – Recommend that conditions be attached to any grant of planning permission.

8.5 KC Lead Local Flood Authority – No objection. Maintenance and management of sustainable drainage systems must be incorporated into a Section 106 agreement. More detailed flood risk assessment and drainage strategy (required at Reserved Matters stage) should address concerns. Discharge rate of 32.4l/s is not accepted. Conditions recommended.

### **8.6 Non-statutory**

8.7 Leeds City Council (Planning Services) – See committee report for application ref: 2020/92331.

- 8.8 Leeds City Council (Transport Development Services) – See committee report for application ref: 2020/92331.
- 8.9 Wakefield Council – See committee report for application ref: 2020/92331.
- 8.10 West Yorkshire Combined Authority – See committee report for application ref: 2020/92331.
- 8.11 West Yorkshire Police Designing Out Crime Officer – No objection in principle. Meeting requested. Condition should be applied, requiring incorporation of measures to minimise the risk of crime. Comments provided on indicative layout.
- 8.12 Yorkshire Water – 300mm public combined sewer crosses the site – development's design will need to take this into account. Conditions recommended regarding building above or near public sewer, separate foul and surface water drainage, and completion of surface water drainage works.
- 8.13 Yorkshire Wildlife Trust – See committee report for application ref: 2020/92331.
- 8.14 KC Education – Secondary school contribution of £223,957 required.
- 8.15 KC Environmental Health – Regarding air quality, applicant's methodology is acceptable, however omissions (relating to monetary costs and sensitivity testing) mean report cannot be fully accepted, and condition requiring air quality assessment is necessary. Condition recommended regarding construction-phase dust. Condition requiring electric vehicle charging facilities recommended. Regarding site contamination, applicant's Phase I report is satisfactory, and conditions are recommended. Construction Environmental Management Plan required by condition. Condition recommended requiring details of noise mitigation measures.
- 8.16 KC Highways Development Management – No objection subject to conditions and Section 106 agreement.
- 8.17 KC Highways Structures – See committee report for application ref: 2020/92331.
- 8.18 KC Landscape – Comments made on indicative layout. Measured areas required for each open space typology. 181 dwellings triggers the need for a Local Equipped Area of Play (LEAP). Details of landscaping, management and maintenance, street trees and ecological measures would be required at Reserved Matters stage.
- 8.19 KC Public Health – See committee report for application ref: 2020/92331.
- 8.20 KC Public Rights of Way – See committee report for application ref: 2020/92331.
- 8.21 KC Strategic Housing – Council seeks 20% affordable housing provision in developments of 11 or more dwellings. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be accepted. A mix of housing that reflects local need and will contribute towards a balanced and sustainable development is required. Affordable homes must be distributed

throughout the development (not in clusters), and must be indistinguishable from market housing both in terms of quality and design. A 55% social or affordable rent / 45% intermediate tenure split is required. In the Batley and Spen Sub-Area there is a significant need for affordable one-, two-, three-bedroom (and larger) homes, along with one- and two-bedroom homes for older people. 36 affordable homes required. 20 social or affordable rented dwellings and 16 intermediate dwellings would be appropriate.

- 8.22 KC Strategic Waste – According to council records, there are no closed or operational landfill sites within 250m of the application site address.
- 8.23 KC Trees – General principle of the outline proposal and the access on this site is supported. The illustrative layout and supporting arboricultural impact assessment demonstrates that the site can be developed while incorporating the existing important trees, woodlands and hedgerows into the design and avoiding adverse impact on these features. However, a hedgerow identified as “important” appears to be impacted – this will need mitigating, possibly by translocation to a new site more associated with the adjacent ancient woodland (this matter can be conditioned). Significantly more detail required at Reserved Matters stage. Effects on ancient woodland, and woodland management, should be considered.
- 8.24 KC Waste Strategy (Refuse and Cleansing) – See committee report for application ref: 2020/92331.

## **9.0 SUMMARY OF MAIN ISSUES**

9.1 The main planning issues relevant to this application are:

- Environmental Impact Assessment
- Land use and principle of development
- Employment, skills and social value
- Masterplanning
- Quantum and density
- Phasing and delivery
- Sustainability and climate change
- Urban design matters
- Heritage assets
- Landscape impacts
- Infrastructure requirements and delivery
- Residential quality and amenity
- Affordable housing
- Highway and transportation issues
- Flood risk and drainage issues
- Environmental and public health
- Site contamination and stability
- Ecological considerations
- Trees, ancient woodlands and hedgerows
- Open space, sports and recreation
- Planning obligations and financial viability
- Representations
- Other planning matters

## **10.0 MAIN ISSUES – ASSESSMENT**

### Environmental Impact Assessment (EIA)

- 10.1 Although the proposed development, on its own, does not constitute EIA development, its impacts have been taken into account in the Environmental Statement (ES) submitted with the accompanying planning application (ref: 2020/92331), and in officers' assessments of that application.

### Land use and principle of development

- 10.2 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.
- 10.3 Full weight can be given to site allocation MXS7, which allocates the application site for mixed use (employment and housing) development.
- 10.4 A residential development of up to 181 dwellings would make a significant contribution towards meeting identified needs. This attracts significant weight in the balance of material planning considerations relevant to the current application.
- 10.5 For further assessment of land use matters and the principle of development, see the accompanying committee report for application ref: 2020/92331.

### Employment, skills and social value

- 10.6 As set out in the accompanying committee report for application ref: 2020/92331, Local Plan policy LP9 and the council's Social Value Policy are relevant.
- 10.7 The applicant has not yet identified developer partners, however it is recommended that provisions be secured (via a Section 106 agreement) requiring the applicant to, in turn, require those future partners to actively participate and engage with the council in delivering social value measures of benefit to the people of Kirklees, and in particular those resident in the areas surrounding the application site. This engagement may take the form of entering into an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

### Masterplanning

- 10.8 As per the commentary set out in the accompanying committee report for application ref: 2020/92331, the proposed development is considered acceptable in masterplanning terms. Local Plan policy LP5 and the relevant requirements of site allocation MXS7 would be complied with.

### Quantum and density

- 10.9 Site allocation MXS7 sets out indicative capacities of 1,535 dwellings and 122,500sqm of employment floorspace.
- 10.10 The proposals (across the two outline applications) meet these headline expectations of site allocation MXS7.

### Phasing and delivery

- 10.11 Of relevance to delivery, the applicant chose to submit two applications for outline planning permission – one for the larger (Leeds Road) part of the site, and one for up to 181 dwellings proposed at the north (Heybeck Lane) end of the site. This was intended to respond to a query raised by the Local Plan Inspector as to whether early delivery of housing at part of the site could be demonstrated.
- 10.12 During the life of the application, the applicant has additionally confirmed that the proposed Heybeck Lane development is likely to be delivered early in the development programme, due to this phase being less reliant on key infrastructure proposed elsewhere within the allocated site and outside it. However, the applicant still seeks a degree of flexibility in relation to delivery, and would not wish the precise phasing of development to be fixed at this outline stage.
- 10.13 A condition requiring the submission of a phasing plan is recommended.
- 10.14 Provisions in the recommended Section 106 agreement would be worded to ensure mitigation is provided when required (i.e., when the impacts of the proposed Heybeck Lane development necessitate it).

### Sustainability and climate change

- 10.15 Assessment regarding sustainability and climate change (in relation to mixed use (including residential) development within the MXS7 site) is provided in the accompanying committee report for application ref: 2020/92331.

### Urban design matters

- 10.16 Local Plan policies LP2, LP5, LP7 and LP24 are of particular relevance to this application in relation to design, as is the text of site allocation MXS7 and the council's Housebuilders Design Guide SPD. Chapters 11 and 12 of the NPPF and the National Design Guide are also relevant.
- 10.17 The current proposals are illustrated by an indicative site layout plan (which would not be listed on the council's decision letter, if outline planning permission is granted), and a parameter plan showing maximum building heights, a 20m wide woodland buffer zone and a sewer easement. This parameter plan has been submitted by the applicant for approval, and would be listed on the council's decision letter.
- 10.18 The submitted parameter plan appropriately shows 10m maximum building heights immediately adjacent to the rear of existing properties on Leeds Road and Heybeck Lane, and 12m maximum building heights elsewhere. Actual

building heights would be determined at Reserved Matters stage, having regard to neighbour amenity and other considerations. No development or developable area is shown over an existing foul sewer, which runs southwest-northeast across the application site. A single vehicular access point is shown at 39 Heybeck Lane (which would be demolished). Outside the application site red line boundary, a 20m deep planted buffer zone is shown adjacent to the ancient woodland of Dum Wood.

- 10.19 It is accepted that the level of detail normally submitted at outline application stage is limited. Further information would need to be submitted at Reserved Matters stage to demonstrate that relevant design objectives have been met. That later detail would need to confirm the perimeter block approach (which is indicatively suggested in the applicant's submission), retention of TPO-protected trees and important hedgerows, retention and appropriate treatment of the existing public footpath, dementia-friendly design, and compliance with the council's Highway Design SPD, among other considerations. At the current outline stage, however, the applicant's parameter plan, illustrative layout and supporting information provide enough assurance at this stage that sufficient and careful thought has gone into the proposals for which outline approval is sought.
- 10.20 Regarding density, with up to 181 dwellings proposed in a site of 7 hectares, a density of only 26 dwellings per hectare would be achieved. While it is acknowledged that site constraints would limit the application site's developable area, this matter will require further consideration at Reserved Matters stage, given the need for efficient and effective use of land, and Local Plan policy LP7 which refers to a net density of at least 35 dwellings per hectare (where appropriate).

#### Heritage assets

- 10.21 There are few designated heritage assets close to the site (including in Leeds and Wakefield boroughs). Undesignated heritage assets include field layouts and boundaries, and the nearby ancient woodlands which are of historic (as well as arboricultural and ecological) interest.
- 10.22 Given the scale, location and relative containment of the proposed development, significant impacts upon heritage assets are not anticipated.

#### Landscape impacts

- 10.23 Local Plan policy LP32 states that proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular the setting of settlements and buildings within the landscape; the patterns of woodland, trees and field boundaries; and the appearance of rivers, canals, reservoirs and other water features within the landscape.
- 10.24 The application site has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding locations (including in longer views) and from public footpaths. Public footpaths (and informal paths) in and around the application site are well-used, and representations received in response to the council's consultation on the application demonstrate that the visual and other amenities of this landscape are highly valued by local residents.

- 10.25 This sensitivity is, however, limited to an extent by the enclosure of the site to the north and west by existing development on Leeds Road and Heybeck Lane. The nearby Dum Wood also provides a degree of enclosure to the site.
- 10.26 The applicant has not proposed to radically reshape the application site with extensive excavation and retention. As with the proposals for the larger part of the MXS7 site, green spaces have been illustrated, and a planted buffer is proposed adjacent to Dum Wood. These aspects of the proposed development would help limit its visual and landscape impact, as would landscaping measures that can be proposed and secured at Reserved Matters stage.
- 10.27 It is accepted that development of the application site would inevitably be transformative. This is unavoidable, given the majority of the site is currently undeveloped. Soft landscaping – however carefully designed – would not hide the proposed development. However, given the above assessment, the proposed development's landscape impacts are considered acceptable.

#### Infrastructure requirements and delivery

- 10.28 These matters are considered in the accompanying committee report for application ref: 2020/92331, however it is noted (in relation to the proposed Heybeck Lane development) that certain contributions towards infrastructure-related mitigation would not be applicable, while other contributions would need to be proportionate to the scale of the development and its impacts.
- 10.29 Planning obligations (recommended to be secured under a Section 106 agreement) are listed later in this committee report.
- 10.30 The provision of social infrastructure, including in relation to GP and education provision, is considered elsewhere in this committee report.

#### Residential quality and amenity

- 10.31 The commentary set out in the accompanying committee report for application ref: 2020/92331 is also relevant to the Heybeck Lane site.

#### Affordable housing

- 10.32 The commentary set out in the accompanying committee report for application ref: 2020/92331 is also relevant to the Heybeck Lane site, however 20% of 181 dwellings is 36.
- 10.33 It is recommended that the required 20% affordable housing provision be secured via a Section 106 agreement, to ensure the development complies with Local Plan policy LP11.

#### Highway and transportation issues

- 10.34 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.

- 10.35 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.36 Existing highway conditions around the application site must be noted. To the west of the application site, Leeds Road (the A653) is a dual carriageway with marked cycle lanes, double yellow lines and a central strip with soft landscaping in places. To the north, Heybeck Lane has double yellow lines close to its junction with Leeds Road, but is subject to on-street parking further east. Bus services are available from both Leeds Road and Heybeck Lane. The junction of these two roads is signalled with pedestrian crossings. The application site has no existing direct vehicular access points off Leeds Road or Heybeck Lane, however it can be accessed via the public rights of way network. Public footpath BAT/49/10 passes through part of the application site. Parts of the Core Walking, Cycling and Riding Network passes along this public right of way. There are also public rights of way to the south, and informal paths through the adjacent woodland.
- 10.37 Future infrastructure improvement projects are relevant to the consideration of the applications for outline planning permission. As noted earlier in this committee report, work has commenced on the Transpennine Route Upgrade, which is intended to deliver faster, more frequent and more reliable services along the route that serves Dewsbury and Batley stations (the two stations nearest to the application site).
- 10.38 Under the current application, access is the only matter not reserved. For the avoidance of doubt, and given that relevant legislation defines “access” as “the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes...” (therefore, it can include access through a site), the applicant’s parameter plan only includes confirmation of the proposed point of access. This drawing would be approved at this outline stage. Other details of access through the site are only illustrated indicatively.
- 10.39 The applicant’s proposals for the Heybeck Lane site are co-ordinated with (and are not entirely separable from) those for the larger Leeds Road site (application ref: 2020/92331). The Heybeck Lane site does, however, benefit from a degree of self-containment, as it could be served via an independent vehicular access from Heybeck Lane.

#### *Trip generation and traffic modelling*

- 10.40 The Transport Assessment (TA) submitted with the application, and the TA provided at chapter 13 of the ES submitted with application ref: 2020/92331, include trip generation figures for the developments of both outline applications (the trips of a total of 1,535 new dwellings are set out). The



headlines figures are set out in the in the accompanying committee report for application ref: 2020/92331.

- 10.41 The applicant's proposed trip generation rates and predicted background traffic growth rates are considered acceptable. The list of committed schemes (taken into account by the applicant in traffic modelling) is considered appropriate.

*Strategic Road Network junctions*

- 10.42 Site allocation MXS7 notes that additional mitigation on the wider highway network will be required in connection with the proposed development, as there is potential for significant impacts upon the Strategic Road Network. The proposed development would contribute towards additional traffic at junction 28 of the M62 and junction 40 of the M1. Highways England (later National Highways) initially submitted (and subsequently renewed) a holding objection, noting that work was ongoing to assess the cumulative impacts of this and other major developments (including schemes in Leeds), and that outline planning permission should not be granted until this work was completed. However, on 11/11/2021 National Highways withdrew their holding objection to the application, and recommended that conditions be applied in relation to construction traffic management and travel planning. National Highways are comfortable with the impact that the proposed Heybeck Lane development (on its own) would have on the Strategic Road Network, and do not require this development to contribute towards capacity improvements at junction 28 of the M62 and junction 40 of the M1.

*Other junctions*

- 10.43 Given the modelling results submitted by the applicant, officers are satisfied that the proposed Heybeck Lane development (on its own) would not necessitate capacity improvement works at some of the nearby junctions. However, where the proposed (up to) 181 units – considered in isolation – would not cause highway impacts requiring mitigation, their contribution towards cumulative impacts must still be addressed. As with the Bradley Villa Farm application (ref: 2021/92086, recently considered by the Strategic Planning Authority, where a 277-unit development did not necessitate mitigation at some junctions but would contribute towards cumulative impacts as and when the rest of the HS11 allocated site is developed), the development proposed at the Heybeck Lane site would similarly be expected to make a proportionate contribution towards mitigation at certain junctions. That contribution would be calculated with reference to the (up to) 181-unit development's share of the cumulative impact. In addition, the Heybeck Lane development would need to mitigate any highway impacts it directly causes.
- 10.44 As detailed in the accompanying committee report for application ref: 2020/92331 works are proposed at local junctions. The applicant proposes road safety works and improvements for pedestrians and cyclists at the Shaw Cross junction, at the Leeds Road / Heybeck Lane / Soothill Lane junction, and at the Dewsbury Road / Syke Road / Rein Road junction. The applicant's development appraisal for the Heybeck Lane development allows for these works. Appropriate delivery mechanisms are proposed for these works (or, in the case of the Dewsbury Road / Syke Road / Rein Road junction, an appropriate delivery mechanism will need to be agreed with Leeds City Council).

- 10.45 No other junction improvement works are proposed within the adjacent boroughs (Leeds and Wakefield). Wakefield Council have raised a late concern regarding impacts at the Owl Lane / Chancery Road / Leeds Road / Ossett bypass roundabout, however this was received after highways assessments had been concluded, and it was not considered reasonable to request the applicant to provide further highway mitigation.

*Site entrance*

- 10.46 The applicant has completed a road safety audit for the site entrance proposed off Heybeck Lane, and a designer's response has been prepared. The applicant has advised that the road safety audit has identified no need for significant amendments, and that previous junction modelling would not be affected by the minor amendments that will need to be made.
- 10.47 The submitted parameter plan and illustrative layout do not suggest an internal vehicular connection would be made between the Heybeck Lane and larger sites. This is considered appropriate, as such a connection risks being used as a shortcut by drivers moving between Leeds Road and Heybeck Lane and wishing to avoid the existing signalised junction.

*Highway safety*

- 10.48 Relevant commentary is set out in the accompanying committee report for application ref: 2020/92331.

*Public transport*

- 10.49 Relevant commentary is set out in the accompanying committee report for application ref: 2020/92331. It is considered that the Heybeck Lane development need not make a proportionate contribution towards bus service pump priming, as all of that site is within a 400m walking distance of existing bus stops on Leeds Road and Heybeck Lane, and the Heybeck Lane site is likely to be developed before a new or diverted bus service is needed to serve the larger site.

*Walking and cycling*

- 10.50 The applicant's indicative layout makes good provision for pedestrians and cyclists. Connections to the south (to the on-site primary school, local centre, public transport facilities and employment uses) are proposed. An existing public right of way would be retained, and new footpaths, footways and cycle routes would be created throughout the site. Further consideration of these routes and provisions would be appropriate at Reserved Matters stage, if outline permission is granted.

*Travel planning*

- 10.51 Comprehensive and effective travel planning would be required in connection with all of the proposed development's uses, in compliance with Local Plan policy LP20. An appropriate Framework Travel Plan (with subordinate plans subsequently prepared at later stages) would be secured via Section 106 planning obligations, however a draft has been submitted at this outline application stage.

### *Other highways and transport matters*

- 10.52 Parking provision would be considered at Reserved Matters stage, and would need to reflect anticipated need (balanced against aesthetic, street scene, safety and sustainability considerations), having regard to likely vehicle ownership and the council's adopted Highway Design Guide SPD.
- 10.53 The indicative internal layout submitted by the applicant raises no fundamental highway concerns at this stage, however further assessment would be necessary at Reserved Matters stage, should outline planning permission be granted.

### Flood risk and drainage issues

- 10.54 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment and Drainage Strategy has been submitted. This states that discharge to watercourses is likely to be the most appropriate option of surface water management at the site, and that gravity outfall to nearby watercourses would be achievable. The applicant goes on to note that a more detailed surface water strategy plan would be produced at the Reserved Matters stage once the proposed layout has been fixed.
- 10.55 The requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, apply.
- 10.56 In relation to drainage and flood risk, the applicant's outline-stage proposals are considered acceptable. Subject to conditions, the Lead Local Flood Authority (LLFA) have not objected to either application, but have confirmed that a fully detailed drainage masterplan would be required prior to Reserved Matters submissions, to ensure an integrated drainage approach is followed. The LLFA have also recommended that a working group be set up to ensure successful masterplanning in relation to drainage, and officers. Across the entire MXS7 site, discharge restrictions based on a greenfield run-off of 5l/s/ha would be appropriate. For the Heybeck Lane site, a discharge rate of 32.4l/s would not be accepted (this is suggested at paragraph 5.11 of the applicant's Flood Risk Assessment and Drainage Strategy). The ongoing maintenance and management of sustainable drainage systems would need to be secured via a Section 106 agreement.

### Environmental and public health

- 10.57 The applicant's information regarding the health impact of the development must be considered in accordance with Local Plan policy LP47 and chapter 8 of the NPPF. A Health Impact Assessment has been submitted.

- 10.58 Development at this site would be required to assist in promoting healthy, active and safer lifestyles in accordance with the above planning policies. This can be achieved in many ways – air quality mitigation and improvement, facilitation and encouragement of on-site and local outdoor activity, inclusive design, providing opportunities for inter-generational interaction, new and enhanced public footpath and cycle path connections, careful construction management (including dust control) and other measures can be proposed by the applicant and future developers of the site. As per the comments of KC Public Health and other consultees, however, it is noted that many of these matters would be assessed in detail at Reserved Matters stage.
- 10.59 It is noted that local medical provision has been raised as a concern in 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.
- 10.60 Regarding environmental health matters (specifically noise, air quality and construction phase impacts), similar comments have been made by consultees in relation to both outline applications. Accordingly, similar conditions regarding these matters are recommended.

#### Site contamination and stability

- 10.61 Site allocation MXS7 notes the potential presence of contamination at the site. Local Plan policy LP53 states that development on land that is currently contaminated or suspected of being contaminated due to its previous history would require the submission of an appropriate contamination assessment. Where there is evidence of contamination, measures to remediate the land would be required to ensure the contamination does not have the potential to cause harm to people or the environment.
- 10.62 Regarding site contamination, commentary set out in the accompanying committee report for application ref: 2020/92331 is relevant. KC Environmental Health are satisfied with the Phase I report submitted by the applicant, and have recommended appropriate conditions.
- 10.63 Regarding the application site's coal mining legacy, the Coal Authority concurs with the conclusion and recommendations of the applicant's Coal Mining Risk Assessment, and agrees that there is currently a high risk to the proposed development from coal mining legacy. In order to mitigate the risk (i.e., to confirm the exact ground conditions present within the application site and inform the extent of remedial or mitigatory measures that may be required to ensure that the development is safe and stable), intrusive site investigations will need to be undertaken prior to commencement of development. Appropriate conditions are recommended accordingly.

### Ecological considerations

- 10.64 Chapter 15 of the NPPF and Local Plan policy LP30 apply. Of particular note, paragraph 174 of the NPPF requires the proposed development to achieve a biodiversity net gain.
- 10.65 Much of the commentary set out in the accompanying committee report for application ref: 2020/92331 is also relevant to the Heybeck Lane site. The same ecological surveys appended to chapter 14 of the ES submitted with application ref: 2020/92331 have also been submitted in support of the Heybeck Lane application. Similarly, a letter regarding bat surveys of lofts (dated 23/08/2022) was submitted. Of specific relevance to the Heybeck Lane site, that letter noted that the loft of 39 Heybeck Lane has previously been converted and there is therefore no accessible loft space to inspect for bat presence. A High-Level Biodiversity Net Gain Assessment (01/11/2022), including findings of a walkover survey undertaken in October 2022, was also submitted.
- 10.66 At the Heybeck Lane site, the applicant's biodiversity net gain calculation (using the Biodiversity Metric 3.1) confirms the proposed development would achieve the following net gains (post-intervention):
- Habitat units: 10.03%
  - Hedgerow units: 10.61%
- 10.67 Of note, no net gain in river units is proposed, as the existing river unit baseline was found to be zero. It is also noted that the proposed 10.03% net gain in habitat units is partly reliant upon off-site interventions.
- 10.68 The proposed net gains are considered achievable. Delivery of the proposed off-site interventions would need to be secured via the recommended Section 106 agreement.
- 10.69 As with application ref: 2020/92331, the council is able to make an informed decision on the current outline application. Further surveys would be required at Reserved Matters stage (if outline permission is granted). The applicant has proposed a policy-compliant biodiversity net gain, and has met other requirements of relevant planning policies. Conditions and provisions (secured via a Section 106 agreement) can be applied to mitigate the ecological impacts of the proposed development.

### Trees, ancient woodlands and hedgerows

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

- 10.71 The applicant's Hedgerow Assessment and Report (July 2018) at appendix 14.9 of the ES submitted with application ref: 2020/92331 states that three of the MXS7 site's hedgerows can be defined as "important" under the Hedgerow Regulations 1997, and that a further five hedgerows just fall short of being classified as "important", due to there being either one too few woody species or associated features, or by not being adjacent to a public right of way. One of the "important" hedgerows is within the Heybeck Lane site.
- 10.72 The proposed development (as illustrated indicatively) largely retains existing trees and hedgerows, and an appropriate buffer is proposed adjacent to the ancient woodland. The applicant's landscaping proposals are currently indicative, however they illustrate potential biodiversity connections across the site.
- 10.73 The applicant's illustrative layout and supporting arboricultural impact assessment demonstrates that the site can be developed while incorporating the existing important trees, woodlands and hedgerows into the, and avoiding adverse impact on these features. Significantly more detail would, of course, be required at Reserved Matters stage, including details of how the site's hedgerows would be retained.
- 10.74 Further assessment regarding impacts on Dum Wood is set out in the accompanying committee report for application ref: 2020/92331.
- 10.75 As noted by KC Trees, the hedgerow identified as "important" appears to be impacted by the proposals. This would need to be considered further at Reserved Matters stage when, if the hedgerow is not to be retained and worked around, mitigation would be required, possibly in the form of translocation of the hedgerow to a new site more associated with the adjacent ancient woodland.

#### Open space, sports and recreation

- 10.76 Local Plan policy LP63 states that the council will seek to secure well designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all. New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal.
- 10.77 The council's Open Space SPD was adopted during the life of the current application, on 29/06/2021.
- 10.78 The applicant's illustrative masterplan shows an area of open space (including a play space) within the Heybeck Lane site, as well as other green spaces around retained trees and hedgerows.
- 10.79 As noted in the accompanying committee report for application ref: 2020/92331, Sport England advised that a £1,676,111 (in total for both sites) sports contribution would be required. This, however, was based on Sport England's formula and the likely population of the proposed development, if no on-site provision was made.

- 10.80 The council's own guidance (as set out in the Open Space SPD) is considered more appropriate in this instance, as it is more nuanced and is tailored to reflect the needs of the borough. Furthermore, calculations carried out in accordance with the SPD note existing nearby provision, and the needs of the relevant wards. It is also again noted that significant on-site provision has been illustrated by the applicant across the two outline applications.
- 10.81 With reference to the SPD, more detailed information regarding the typologies of the on-site provision would be needed before a further calculation could be carried out. As much of this detail would not become available until further design work is carried out prior to Reserved Matters applications being submitted, at the current outline stage it is recommended that the relevant Section 106 provision secures a contribution based on the relevant formula, with no figure specified.

#### Planning obligations and financial viability

- 10.82 A development of this scale would have significant impacts requiring mitigation. The following planning obligations securing mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations) would need to be included in a Section 106 agreement:
- 1) Highway capacity / improvement / other works
    - a) contributions towards junction improvement schemes (applicable should schemes secured by condition prove to be more appropriately delivered via a Section 106 provision).
    - b) contribution towards Shaw Cross junction scheme.
  - 2) Sustainable transport
    - a) Bus stop upgrade contribution (applicable if bus stop audit demonstrates the need).
    - b) Framework Travel Plan (and subordinate plans) implementation and monitoring including fees – £15,000 (£3,000 for five years).
  - 3) Education
    - a) £300,000 contribution towards interim primary provision.
    - b) Secondary education contribution of £223,957.
  - 4) Open space, including sports and recreation and playspaces – contribution based on Open Space SPD methodology / formulae, taking into account on-site provision (to be confirmed at Reserved Matters stage). Site-wide strategy required to ensure provision across all phases / parcels / Reserved Matters applications is co-ordinated.
  - 5) Affordable housing – 20% provision.
  - 6) Air quality – contribution (amount to be confirmed, and subject to applicant / developer measures which may render contribution unnecessary) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
  - 7) Biodiversity
    - a) Contribution (amount to be confirmed) or off-site measures to achieve biodiversity net gain (only applicable if 10% can't be achieved on-site);
    - b) Securing other off-site measures (including buffers to ancient woodlands, and provision of skylark plots).
  - 8) 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. May include street trees if not adopted.

9) Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker.

Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.

10) Ancient woodland – management plan (and works, if required) for public access to Dum Wood (outside application site, but within applicant's ownership).

11) Social value – requirement for applicant / developer, future developer partners and occupants of employment floorspace to provide package of training, apprenticeships and other social value measures.

12) Masterplanning – No ransom scenarios to be created at points where new roads meet other development parcels / phases.

10.83 All contributions are to be index-linked. For certain contributions, a relevant index (such as the BCIS Tender Price Index) may be appropriate.

10.84 The above obligations are potentially significant, and together with the costs associated with on-site infrastructure, drainage and addressing the application site's topography and coal mining legacy, would need to be given careful consideration by the applicant prior to the sale of (parts of) the site to developers. These costs would need to be reflected in the application site's purchase price, to ensure that any future developer will not overpay for the site and then attempt to argue that these costs were unanticipated and that affordable housing or other necessary mitigation is not viable. The application site was promoted for allocation and development by the current applicant, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the application site's development costs, and having regard to consultee responses (which any developer should make themselves aware of before purchasing the site or parts of it), the council is unlikely to entertain a future argument that development at this site is unviable. Should any such argument be made in the future, the council can and will have regard to paragraph 58 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

10.85 Commentary regarding the applicant's viability testing of the proposed developments (across both sites within MXS7) is set out in the accompanying committee report for application ref: 2020/92331.

10.86 Given that many of the required contributions would be put towards schemes that may only become necessary several years in the future, it is recommended that the required Section 106 agreement should allow the council to retain moneys for longer periods than is normally secured. Of note, the Department for Education's "Securing developer contributions for education" guidance recommends (at paragraph 6) that planning obligations should allow enough time (often 10 years, or no time limit) for developer contributions to be spent.

### Representations

10.87 The representations received in response to the council's consultation and reconsultation are responded to throughout this committee report.



- 10.88 The volume of objections and their content is noted. These, and the representations made by elected representatives, are material considerations that must be given due weight when the current applications are determined.
- 10.89 The request made by the Chidswell Action Group to delay determination of the application is noted, but is not supported. As part of the recent reconsultation, letters and emails were sent to everyone who had previously been consulted and everyone who had previously commented on the application, and four new site notices were posted on 02/11/2022. This greatly exceeds the consultation effort required by the relevant legislation, and would have ensured a good level of local awareness regarding the application and the reconsultation.
- 10.90 Earlier comments regarding the adequacy and timing of the outline applications (and the council's initial consultation on them) are noted, however additional time was added to the initial consultation period in light of the Covid-19 epidemic, and the council's application publicity went further than the statutory requirements and the commitments set out in the council's adopted Statement of Community Involvement.

#### Other planning matters

- 10.91 See commentary provided in the accompanying committee report for application ref: 2020/92331.

### **11.0 CONDITIONS**

- 11.1 The conditions listed below (in summary) are recommended at this outline application stage. It is recommended that authority to finalise the wording of the conditions, and to amend and add to this list, be delegated to the Head of Planning and Development.

- 1) Standard outline condition (approval of reserved matters prior to commencement).
- 2) Standard outline condition (implementation in accordance with approved reserved matters).
- 3) Standard outline condition (reserved matters submission time limits – first reserved matters application to be submitted within three years of outline approval, last to be submitted within five years).
- 4) Standard outline condition (reserved matters implementation time limit – within two years of reserved matters approval).
- 5) Development in accordance with plans and specifications.
- 6) Details of phasing to be submitted.
- 7) Implementation of junction improvement schemes when required, in accordance with details (including road safety audits and arrangements for implementation under Section 278) to be submitted.
- 8) Submission of interim and final details of Heybeck Lane site entrance (including road safety audits and arrangements for implementation under Section 278), and subsequent implementation.
- 9) Assessment of potential for decentralised energy scheme to be carried out prior to submission of Reserved Matters applications.
- 10) Flood risk and drainage – full site-wide scheme to be submitted.
- 11) Flood risk and drainage – detailed drainage proposals to be submitted for each parcel / phase.
- 12) Separate systems of foul and surface water drainage to be provided.

- 13) Ecological mitigation and enhancement details (including an Ecological Design Strategy, measures to address impacts on birds including ground-nesting farmland birds), and details of mitigation and delivery measures to be submitted.
- 14) Air quality mitigation measures to be submitted.
- 15) Further noise assessment and mitigation measures to be submitted.
- 16) Contaminated land – phase II intrusive site investigation report to be submitted.
- 17) Contaminated land – remediation strategy to be submitted.
- 18) Contaminated land – remediation strategy to be implemented.
- 19) Contaminated land – validation report to be submitted.
- 20) Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
- 21) Archaeological site investigation.
- 22) Site-wide placemaking strategy to be submitted prior to Reserved Matters applications, and to include design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide SPD.
- 23) Bus stop infrastructure audit and improvement plan to be submitted, with timeframes for implementation.
- 24) Construction (Environmental) Management Plan to be submitted.
- 25) Tree protection measures to be approved and implemented.
- 26) Temporary (construction phase) drainage measures to be approved and implemented.

11.2 Given the size of the developments proposed across the MXS7 site and the likely delivery programme, it is considered appropriate to allow a longer period for the submission of Reserved Matters applications.

11.3 Of note, a significant volume of further information is expected to be submitted later at Reserved Matters stage (if outline permission is approved), and further conditions could be applied at that stage (for example, in relation to boundary treatments and electric vehicle charging).

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

## **12.0 CONCLUSION**

12.1 The application site is allocated for mixed use development under site allocation MXS7, and the principle of residential development at this site is considered acceptable.

12.2 The applicant has satisfactorily addressed relevant policy requirements in relation to masterplanning, infrastructure provision, highway impacts, landscape impacts, biodiversity, sustainability and other planning matters.

12.3 The site has constraints in the form of adjacent residential development (and the amenities of these properties), access, topography, drainage, ecological considerations, and other matters relevant to planning. These constraints have been sufficiently addressed by the applicant, or would be addressed at Reserved Matters and conditions stages.

- 12.4 Given the above assessment and having particular regard to the up to 181 homes (20% of which would need to be affordable homes) that would be delivered by the proposed development, approval of outline planning permission is recommended, subject to conditions and planning obligations to be secured via a Section 106 agreement.
- 12.5 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.

### **Background Papers:**

Application and history files.

[link to planning application details](#)

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2020%2f92350>

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