
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 20-Jun-2019****Subject: Planning Application 2018/94189 Outline application for residential development of up to 366 dwellings with details of access points only Land off Soothill Lane, Batley****APPLICANT**Naz Parkar, Kirklees
Council**DATE VALID**

21-Dec-2018

TARGET DATE

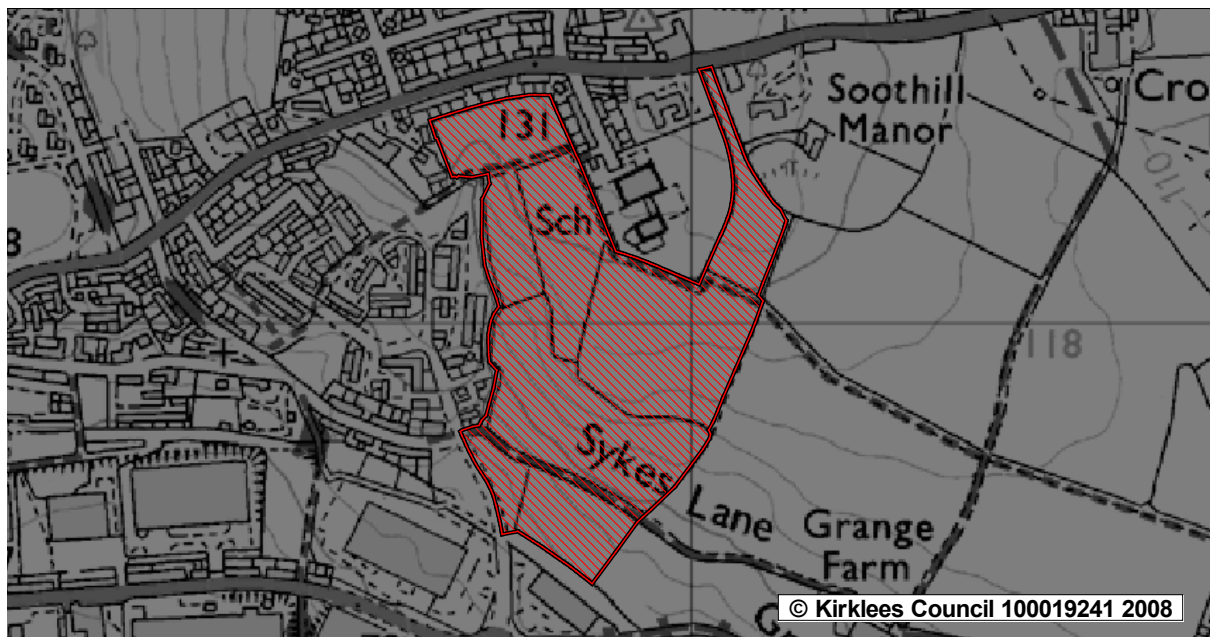
22-Mar-2019

EXTENSION EXPIRY DATE

26-Mar-2019

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: Batley East

Y/N

Ward Members consulted
(referred to in report)

RECOMMENDATION: Conditional Outline Permission

Delegate approval of the application to the Head of Development and Master Planning to:

1. secure the signing of a Section 106/Legal Agreement to provide:

- improvements to bus stops to provide shelter and real time passenger information display at bus stop no. 16141(at a cost of £23,000) and a real time passenger information display at bus stop no.16138 (at a cost of £10,000)

- Travel Plan Monitoring fee (£TBC)

- Long term maintenance and management of the drainage proposals through a management company, including contributions to upgrading works off site and taking into account of the period before which the Statutory Undertaker can adopt the system and in the event adoption of such system is not undertaken

4. Complete the list of conditions including those contained within this report and Issue the decision notice.

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

1.0 INTRODUCTION:

1.1 The application is submitted in outline for residential development with access included, all other matters are reserved.

1.2 The application is brought to Strategic Planning Committee for determination in accordance with the Council's Scheme of Delegation as the number of units exceeds 60 units. The master plan is indicative and illustrates a total of 366 units comprising of dwellings and three apartment blocks.

- 1.3 The application allocated housing site has been accepted as part of Homes England's Accelerated Construction Programme. Homes England have provided funding, to help accelerate the site, which is available to support Local Authorities to develop their land so that it can be disposed of for housing and to see homes built faster on these site than the market would do alone (pace) and the use of Modern Methods of Construction (MMC). The funding is critical in preparing the site for development, and site works will start in 2020 and housing units will start to be delivered in 2021/22 at the improved pace. There are challenging timescales attached to the Accelerated Construction Programme, and to ensure the funding can be maximised, and so that homes can be built in line with the agreed housing trajectory, securing a positive planning decision is critical in the housing delivery programme.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site equates to approximately 12.7 hectares of land, of an irregular shape. It sits within Lower Soothill and is bounded by a number of existing uses. To the north is Lydgate Junior & Infant School, Soothill Lane and a number of residential properties on Soothill Lane. There is also Lydgate Lodge Care Home and Soothill Manor home for the elderly on Soothill Lane. To the east of the site is open agricultural land (Green Belt). To the south/western part of the site is Grange Road industrial estate. Dwellings on Heath Grove also border the site to the west.
- 2.2 The site slopes steeply downwards from north to south. It presently consists largely of grassland and partially overgrown areas.
- 2.3 The following Public Rights of Way run adjacent to/through the application site:
BAT/43/60
BAT/43/70
BAT/43/80
BAT/44/10 (Bridleway)
- 2.4 The site is also bounded by a variety of trees, hedges, fences and walls. Protected trees border the site to the far north western and north eastern corners.

3.0 PROPOSAL:

- 3.1 The application seeks outline planning permission for the erection of residential development with details of access points only. All other matters are reserved. The indicative master plan shows two vehicular access points, one off Soothill Lane, the other onto Mill Forest Way, south west of the site. The revised indicative layout demonstrates a mix of house types including a total of 54 apartments to be provided within 3 blocks.
- 3.2 Initially the application was submitted with an indicative layout for up to 309 dwellings and up to 60 extra care units. This has been replaced with the revised indicate layout which now does not include any extra care units.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

- 4.1 2016/94156 - Discharge condition 16 (bat survey) on previous permission 2015/92908 for outline application for erection of residential development – discharged February 2017

2016/92722 - Discharge condition 34 (highway works) on previous permission 2015/92908 for outline application for erection of residential development

2016/91279 - Discharge Condition 32 (Road Safety Audit/s) on previous permission 2015/92908 for outline application for erection of residential development – granted May 2016

2015/92908- Outline application for erection of residential development – granted 4th January 2016

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

- 5.1 20th March – revised red line to include land on highways, adjacent to access point on Soothill Lane & change in description of proposals to read outline application for residential development of up to 366 dwellings with details of point of access only.

24th May 2019 – received revised indicative masterplan

06th June 2019 - Transport Assessment Addendum

7th June 2019 - revised Air Quality Assessment

- 5.2 Meetings have taken place between Officers, Agent and Applicant during the course of the application to highlight a number of issues/concerns raised by consultees, where comprehensive advice was given on how the issues raised can be addressed prior to the submission of any future detailed applications.
- 5.3 Advice has also been provided on the reports/surveys required to accompany any future applications, which is also set out in the assessment below.

6.0 PLANNING POLICY:

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

- 6.2 The application site forms a large part of the allocation for housing in the Local Plan (site allocation ref: HS72).

Kirklees Local Plan (2019):

- 6.3 The site is allocated for housing in the Local Plan (site allocation ref:HS72)

Relevant policies are:

LP1 – Presumption in favour of sustainable development

LP2 – Place shaping

LP3 – Location of new development

LP4 – Providing infrastructure
 LP5 – Master planning sites
 LP7 – Efficient and effective use of land and buildings
 LP11 – Housing mix and affordable housing
 LP20 – Sustainable travel
 LP21 – Highway safety and access
 LP22 – Parking
 LP23 – Core walking and cycling network
 LP24 – Design
 LP27 – Flood risk
 LP28 – Drainage
 LP30 – Biodiversity and geodiversity
 LP31 – green infrastructure network
 LP32 – Landscape
 LP33 – Trees
 LP34 – Conserving and enhancing the water environment
 LP47 – Healthy, active and safe lifestyles
 LP48 – Community facilities and services
 LP49 – Educational and health care needs
 LP50 – Sport and physical activity
 LP51 – Protection and improvement of local air quality
 LP52 – Protection and improvement of environmental quality
 LP53 – Contaminated and unstable land
 LP63 – New open space

Supplementary Planning Guidance / Documents:

6.4 Relevant guidance and documents are:

West Yorkshire Low Emissions Strategy and Air Quality and Emissions

KMC Policy Guidance: 'Providing for Education Needs Generated by New Housing'

National Planning Guidance:

- 6.5
- Chapter 2 – Achieving sustainable development
 - Chapter 5 – Delivering a sufficient supply of homes
 - Chapter 8 – Promoting healthy and safe communities
 - Chapter 9 – Promoting sustainable transport
 - Chapter 11 – Making effective use of land
 - Chapter 12 – Achieving well-designed places
 - Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
 - Chapter 15 – Conserving and enhancing the natural environment

7.0 PUBLIC/LOCAL RESPONSE:

- 7.1 The application has been advertised via site notices, a press notice, and letters delivered to addresses abutting the application site. The revised indicative plan along with the change in description has resulted in a further round of publicity, with the end date being 18th June 2019. This is in line with the council's adopted Statement of Community Involvement.

7.2 Initially 76 representations were received. Following the second round of publicity a further 13 representations were received. The concerns of which are summarised below:

Highways:

- Loss of rural public rights of way (no details of change in levels/surface and what protection during construction)
- Surrounding highway network is already congested and development will make this worse.
- Traffic congestion/pollution already an issue on Soothill Lane, development proposed would add to this and should be fully mitigated against
- Existing problems with traffic/parking at Lydgate school have not been dealt with and will be worsened (potential safety issues for local children)
- Soothill has a number of blind spots and a number of accidents record which will get worse.
- Two proposed access points, one of which would bring traffic onto the roundabout on Grange Road which already suffers severe congestion/delays, the other on to Soothill Lane is on the brow of a hill
- Opportunities should be taken to promote sustainable transport modes
- The impact on the surrounding highway infrastructure will be overwhelming from the proposed development and other committed development identified in the Local Plan, in this area
- Proposed junction at Mill Forest Way shows inaccurate sight lines
- Contradictory information within the highway statement & road safety audits would need to be undertaken
- To consider weight restriction on Soothill Lane due to use of this road by heavy goods vehicles

Amenity:

- Development will lead to overlooking and loss of privacy & light
- Development is out of character/appearance/scale/size & location with surrounding development
- Area is already densely populated
- Character of the area will be affected negatively
- Proposal will cause noise disturbance during construction and post construction
- loss of existing trees/ greenery
- loss of green, grazing land/equestrian use of the site & bridleway within the site which could effect the local livery yard
- loss of wildlife value /biodiversity and habitat for wildlife within the site
- Site provides vital green and open space and should not be built upon it has recreational benefit
- area needs facilities for children not more housing
- Detrimental impact on Air Pollution in area

Infrastructure:

- Insufficient capacity at local doctors/schools/dentists/train station/ medical centres
- Utilities/services infrastructure in surrounding area cannot cope nor accommodate proposed development which would also impact

Planning Policy:

- Loss of agricultural land/green space in the area
- Brownfield sites should be used instead of Green Belt land
- Development is not needed given other nearby developments

Other matters raised:

- No details have been provided of the exact number, type and size of dwellings proposed
- No details to support the statement “no increase in flooding”
- Indicative plan not very clear & does not promote sustainable development
- would cause anit-social behaviour & increase crime in the area
- risk of building on high risk mined land causing risk to health & safety of residents & subsidence issues
- should promote health & wellbeing by encouraging to use green areas/cycling and walking
- further information is required by WYAS & Coal Authority (to be conditioned to which the applicant is agreeable to)
- potential safe guarding issues for children in the area/local school and would cause anit-social behaviour
- Indicative site layout needs significant improvements
- Publicity of application has informed some residents but not others

Questions posed, What measures/steps taken:

- in considering traffic congestion at the bottom of Soothill Lane during peak times due to proposed development & surrounding highway infrastructure
- to utilise brownfield land
- to consider impact on privacy, loss of light and outlook of existing neighbouring properties
- to protect dog/walkers
- to protect greenbelt land between Kirklees and Wakefield
- consider influx of new pupils at local school
- to ensure surface water does not impact on surrounding sites
- justify the need for housing in the area
- to plant trees to obscure the development
- “to stop cars careering up and over the brow of Soothill Lane”
- To provide low cost, first time buyers and affordable housing
- Council to carry out a true management assessment survey ion area in trying to slow the traffic down

None Planning issues

- Property prices of existing properties will be affected
- Council has conflict of interest, being the landowner and applicant
- Shouldn't Council have employed its own independent highway consultant rather than agent

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

Coal Authority – no objections subject to pre commencement conditions
Yorkshire Water – no objections subject to conditions
Environment Agency - No comments to date
KC DM Highways – support subject to conditions & S106 on subsequent applications
KC Lead Local Flood Authority – Support in principle only-
Leeds Local Planning Authority – No comments to date

8.2 Non-statutory:

KC Ecology – support in principle subject to conditioning ecology impact assessment with appropriate mitigation measures where necessary
KC Education – contribution required- sum to be agreed on finalisation of nos. of units – subject to conditions
KC Environmental Health – no objections subject to conditions
KC Landscape – Support in principle subject to conditions
KC Planning Policy – support in principle only
KC Trees – cannot support current indicative plan (see assessment below)
KC Public Rights of Way – Support in principle subject to retention of existing PROWs and Bridleway with one point of crossing with details of a scheme of works to be conditioned
KC Public Health – requires a Health Impact Assessment – to be conditioned
KC Strategic Housing – support subject to condition seeking affordable housing in accordance with Policy requirements
Police Architectural Liaison Officer – support subject to condition/notes to incorporate measures to minimise risk of crime and to meet specific needs of the site and development

9.0 MAIN ISSUES

- Principle of development
- Urban design & amenity issues
- Landscape/ Open space issues
- Highway/PROWs issues
- Flood risk/Drainage issues
- Ecological/Biodiversity/Trees
- Planning obligations
- Representations
- Other matters

10.0 APPRAISAL

Principle of development

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

- 10.2 The Local Plan sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum.
- 10.3 The application site forms a large part of the allocation for housing in the Local Plan (site allocation ref: HS72). Full weight can be given to this site allocation, which identifies the following constraints/ site specific considerations and reports required when considering development of this site:

Constraints:

- Noise sources near site - Grange Road Industrial Estate (south of the site) and Soothill School (north)
- Potentially contaminated land
- Public right of way and Bridleway crosses the site
- Watercourse running through the site
- The majority of the site is within a High Risk Coal Referral Area
- Site is close to archaeological site

Other site specific considerations:

- Consider links to Core walking & Cycling Network
- Site is adjacent to the Wildlife Habitat Network

- 10.4 Turning to the density Local Plan Policy LP7 requires housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings. The indicative development density would provide density of 28.81 per hectare. It is recognised this is below the policy requirements. However, in this instance, given the identified site constraints and the challenging topography of the site the indicative development density is considered acceptable in this instance.
- 10.5 The site is predominately contained within a built up area with residential properties to the north and west. Grange Road Industrial estate lies to the south and an area of open land to the east. This also forms the Green Belt boundary to land beyond the application site.
- 10.6 The application site is an accepted housing allocation on the Local Plan and as such is regarded to be accessible and in a sustainable location. Furthermore, given the site's location adjacent to an already developed area and its proximity to a number of local facilities the principle of development is acceptable. Previously permission has been granted for the principle of residential development which was accompanied with an indicative plan showing 377 units (including 97 apartments). This permission expired in January 2019.
- 10.7 Officers' recommendation to accept the principle of residential development at this site would however need to take into account the impacts of the development with appropriate mitigation where necessary and a high quality development will be expected. These matters are addressed later in this report, and would require further consideration at a detailed or Reserved Matters application stage.

- 10.8 Finally, Policy LP5 of the Local Plan requires master plans to achieve, community facilities to serve the new development (e.g. local shops, community halls, schools and health facilities.....) In this instance the proposals for up to 366 dwellings/units does not in itself generate the additional need nor justify for such facilities to be provided on site.

Urban Design & amenity issues (noise):

- 10.9 Whilst an indicative layout plan is submitted, the application seeks outline permission with details of access points only reserving layout, appearance, scale and landscape details. Although, the indicative layout promotes a good mix of house types in accordance with Policy LP11 of the Local Plan, an assessment in relation to Policies LP24 and LP52 of the Local Plan and Chapters 12 and 15 of the NPPF needs to be undertaken on any subsequent future applications to ensure good design is achieved that respects and enhances the character of the local townscape and provides a high standard of amenity for future and neighbouring properties.
- 10.10 With regards to scale and appearance, the site has varying levels and topography covering a large area that could accommodate buildings varying in height. However, where sited close to existing neighbouring buildings and development, the proposals would need to be designed sympathetically so as not to appear overbearing and oppressive, also to proposed buildings internally within the site and to existing adjacent land levels. Finished floor and ground levels, at the stage of reserved matters would need careful consideration, accompanied with section drawings to demonstrate the relationship of existing and proposed development and land levels. It is acknowledged that materials of construction are varied in the local area so an assessment of appearance and materials would also need to be undertaken as part of the reserved matters application.
- 10.11 Turning to residential amenity, the site has shared boundaries with a school and residential properties on Lydgate Road, Soothill Lane, Highfield Court, Heath Grove and Hill Rise with an industrial estate to the south of the site.
- 10.12 The indicative layout shows a buffer on the southern boundary with the industrial estate and an internal access road to run parallel with the shared boundary with Lydgate Junior & Infant School and residential properties along this road. There is potential for noise concerns on the amenities of the future residents of the dwellings/apartments from the existing industrial/school premises, as such any future application would need to be accompanied by an adequate noise report with appropriate mitigation measures where necessary, to accord with guidance in Chapters 12 and 15 of the NPPF Policies LP24 & LP52 of the Local Plan.

Landscape/Open space issues

- 10.13 Local Plan Policy LP63 sets out the requirement to provide public open space for new housing developments and requires an assessment of the quantity, quality and accessibility of existing open space provision in the area to determine whether new open space needs to be provided taking into account any deficiencies. This analysis will help determine the need for new on-site or off-site open space, enhancement of existing provision of open spaces and/or a financial contribution where an on- site provision cannot be achieved.

- 10.14 Table 7 of the adopted Local Plan which accompanies Policy LP63 sets out the types of open spaces that will need to be considered, the amount required per dwelling where there are quantity deficiencies and the minimum walk time / distance for residents to existing facilities.
- 10.15 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. In areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development. Where this is not viable the expansion or improvement of existing open space provision in the area will be sought and the co-location of open space, sport and recreation facilities will be encouraged. Open space provided on-site should be designed to complement existing facilities in the area and to allow for informal children's play through good quality landscape design.
- 10.16 For the purpose of existing open space in the area and considering Policy LP63 of the Local Plan, the site lies in Balley East Ward in which 3 out of the 4 open space types are showing deficiencies in the quantity standards. These being 1) Parks & Recreation grounds, 2) Natural/Semi natural greenspace and 3) allotments.
- 10.17 The indicative layout plan identifies a number of areas of informal open spaces. There is no indication of an informal or formal play area. On assessment of this the Landscape Officer has advised it is crucial that any future layout would need to address the deficiencies in a cohesive approach. Of fundamental importance the key elements that should be considered are (but not limited to) within a Landscape analysis:
- Mapping and addressing the existing site, context and character e.g. open space, green infrastructure and open space and provision and facilities to meet the walking and accessibility distances or if on site, separation zones, networks both Pedestrian, cycle etc. habitats
 - Potential connections, strategy for dealing with the sloping land whilst addressing the needs of the development, access, vegetation, boundary treatments, suitability of greenspaces, open space, play and sport facilities required,
 - Multifunctional facilities or spaces, for open space, amenity greenspace, suds, drainage, habitat biodiversity areas, wildlife corridors (particularly considering proximity to linking to those beyond the site boundary) etc, and
 - In addition hard and soft landscaping would need to incorporate native species along with tree planting in new housing states and adequate bin storage/collection areas
- 10.18 Whilst the preferred option is for on-site provision, given the lack of play areas within the area and constrained topography of the site future applications would need to include informal play areas throughout any areas to be provided as natural and semi natural open spaces, to accord with Policy LP63.

- 10.19 Turning to the identified shortage of open space types in the area as set out above, it is recommended that consideration be given to connect the site to Soothill Wood which is 15 minute walk from the site and forms part of the Kirklees Wildlife Habitat Network. In addition linking the natural green space on site to the Kirklees Wildlife Habitat Network south of the site on Challenge Way and Soothill Wood to ensure only part of the policy requirements can be achieved, in accordance with Policies LP30, LP31, LP32 and LP63.
- 10.20 Comments are also received from the Council's Sport and Physical Activity Officer in relation to playing pitches. The findings of the council's Playing Pitch Strategy provides detailed assessment of the current and projected supply of and demand for playing pitches and a technical analysis of pitch quality and usage levels. The findings of these assessments provide the evidence of where playing pitch provision needs further consideration. An Open Space Demand Assessment has also been carried out to identify the views and expectations of local residents, communities and key stakeholders about the provision of open spaces.
- 10.21 The Council are currently undertaking a refresh of the Council Wide Playing Pitch Strategy. The work undertaken to date currently highlights capacity issues within the Batley and Spen area for football, rugby union, rugby league and cricket. An assessment has been undertaken of the demand that a development of this size would create using Sport England's new development Playing Pitch calculator tool. This indicates that a development of this scale will add to the capacity issues unless funding can be provided by the developer to carry out improvements to increase capacity at existing playing pitches and ancillary facilities in the locality. This can be addressed at the detailed stage on the reserved matters to accord with Policy LP63 of the Local Plan.
- 10.22 To summarise, the submitted indicative plan and proposals fall short of the provision for open space required for a development of this scale. However, a suitable condition can be imposed on the outline consent as set out in the planning obligations section below, should Members be minded to support the application. Furthermore, on future detailed applications opportunities to promote access to physical activity and healthy lifestyles should be incorporated into the scheme through encouraging walking and cycling with the retention, enhancements and connections of the existing PROW's/Bridleway and linking these to the wider area.

Highway issues & PROWs/Bridleway

- 10.23 Policy LP21 of the Local Plan requires development proposals to be accessed effectively and safely by all users, and states that new development will not be permitted if it adds to highway safety problems. Paragraph 102 of the NPPF states that appropriate opportunities to promote sustainable transport modes should be taken up, that safe and suitable access to sites should be achieved for all users, and that any significant impacts on the transport network or on highway safety should be mitigated.
- 10.24 With reference to the submitted transport information, WSP Transport Assessment dated 08/09/2015 (plan ref: 2015/92908), Vectos Transport Assessment VN81151 dated December 2018 and Vectos Transport Assessment Addendum VN91266 dated June 2019.

10.25 The proposed site access points only are being considered, with the assessment being based on 312 dwellings and 54 apartments to be served by two access points from the B6124, Soothill Lane and Mill Forest Way. For information, the previously consented residential scheme (2015/92908) was for up to 420 residential dwellings.

10.26 Based on the information and data submitted by the applicant's highways consultant Vectos, the following summary is given:

Cumulative Impact and Local Plan sites overarching approach

The summary of the cumulative impacts methodology on the local highway network is set out below:

- 2018 base traffic flows (existing 'am' and 'pm' traffic flows) + development flows
- + traffic flows from committed developments with planning consent within the vicinity of the site (including current major applications and Local Plan allocated sites that have a material impact)
 - a) Chidswell, Leeds Road, mixed use development (Local Plan site MX1905)
 - b) Owl Lane (Dewsbury Rams) residential development.
 - c) Land off Westerton Road and Haigh Moor Road, West Ardsley
- + 5 years (2018 to 2023) forecast annual traffic growth to the base traffic flows on the local highway network.

10.27 In terms of the Local Plan allocation sites, the Kirklees Local Plan sets out a sustainable strategy for planned growth currently up to 2031, including proposals for planned mitigation to the local road network. This is underpinned by an extensive district wide strategic modelling exercise of the transport network (which takes into account current local road network/public transport use and forecasts planned growth). The modelling also takes into account local, cross-boundary road network issues connecting into neighbouring authority areas.

10.28 From the perspective of transport, the cumulative transport impacts of the Local Plan land allocations, (together with existing local road network use and development which has planning permission but which is not yet built) are understood. This evidence provides a significant material planning consideration in the determination of planning applications and has informed the council's Infrastructure Delivery Plan that identifies potential mitigation measures at current and forecast areas of congestion.

10.29 Within the context of the local highway network and the application site, planned improvement works within the area are along the A62 Leeds Road corridor and are currently being developed and designed with funding to deliver the schemes being secured via developer contributions where appropriate and the West Yorkshire Transport Fund.

10.30 **Soothill Lane Access – estimated (70%) 218 dwellings and 38 apartments**

The highway assessment of this junction is based on 218 dwellings and 38 apartments' being served from a priority junction off Soothill Lane.

Soothill Lane is a busy classified highway with recorded two way 'am' and 'pm' peak hour vehicle flows of circa 700 two way movements.

Total 2023 forecast traffic generation associated with the Soothill Lane part of the development is set out in table 1.

Table 1. Forecast 2023 Traffic Generation – Soothill Lane

AM Vehicular Trips (0800 – 0900hrs)	Vehicle Trip Generation		
	Arrivals	Departures	Total
Site Access with Soothill Lane, East of the access	18	49	67
Site Access with Soothill Lane, West of the access	26	70	96
Total forecast AM Trips	44	119	163
PM Vehicular Trips (1700 – 1800hrs)			
Site Access with Soothill Lane, East of the access	43	24	67
Site Access with Soothill Lane, West of the access	62	34	96
Total forecast PM Trips	105	58	163

Projected 2023 (Inc. traffic growth, proposed development and committed development flows) two way 'am' and 'pm' peak hour vehicle flows along Soothill Lane are circa 900 and 940 movements respectively.

The layout of the proposed site access would be a priority junction, with a right turn lane into the site, footways along the site frontage, and central island for improved pedestrian access to the nearby bus stop to the west of the site access.

Within the vicinity of the site, the speed limit is 30mph with recorded vehicular speeds of 33mph eastbound and 36 mph westbound.

The layout of the junction is designed to accommodate buses if a public transport route is required at a future date. Driver visibility from and towards the junction is commensurate with recorded vehicular speeds.

As part of the westerly approach to the junction, it is proposed to provide gateway features on Soothill Lane to highlight the difference in road user hierarchy on the approach to both the site access and the nearby Lydgate Junior and Infant School.

With regard to improving connectivity, it is proposed provide a footway link to east of the proposed access along Soothill Lane to and include the upgrade of bus stops 16137 and 26338.

In terms of visibility, access geometry, and required retaining structures, satisfactory amendments have been made to the original submission. A stage 1 Road Safety Audit has been carried out on the proposed scheme where recommendations have been made and designer's response given. No insurmountable matters have been raised.

In relation to the highway network local to the Soothill Lane access, the following junctions have been assessed:

- Proposed Northern Site Access on Soothill Lane
- Rouse Mill Lane / Station Road/ Soothill Lane T Junction
- Leeds Road / Heybeck Lane / Soothill Lane Signalised Crossroads
- Bradford Road / Rouse Mill Lane / Albion Street Signalised Crossroads
- Bradford Road / Station Road / Hick Lane Signalised Crossroads

Assessment of the submitted modelling has been carried out for these junctions with the output data indicating that the junctions are forecast to operate safely and effectively in the main with two junctions identified as operating at capacity within the peak periods; Leeds Road / Heybeck Lane / Soothill Lane Signalised Crossroads, and Rouse Mill Lane / Station Road/ Soothill Lane T Junction.

In terms of mitigation and being proportionate to the forecast traffic impacts of the development, it is proposed to introduce a two lane approach on the Soothill Lane arm of the junction to provide a dedicated right turn lane and additional capacity; and providing additional lining and traffic management measures along Soothill Lane from its junction with Rouse Mill Lane to provide a delineated 2 lane approach.

10.31 **Mill Forest Lane Access – estimated (30%) 94 dwellings and 16 apartments**

The highway assessment of this junction is based on 94 dwellings and 16 apartments being served from a priority junction off Mill Forest Way.

Mill Forest Way, which is a cul-de-sac, serves some 110 existing residential dwellings and 2 large commercial premises before its connection to the roundabout junction with Challenge Way / Grange Road.

Mill Forest Way is relatively lightly trafficked with recorded 2015 two way 'am' and 'pm' peak hour vehicle flows of circa 140 and 90 movements respectively. With the busier major road, Challenge Way/Grange Road having two way 'am' and 'pm' peak hour vehicular base flows in the region of 1,000, and 900 movements respectively.

Total 2023 forecast traffic generation associated with the Mill Forest Lane part of the development is set out in table 2.

Table 2. Forecast 2020 Traffic Generation – Mill Forest Lane

AM Vehicular Trips (0800 – 0900hrs)	Vehicle Trip Generation		
	Arrivals	Departures	Total
Site Access with Mill Forest Lane	19	52	71
PM Vehicular Trips (1700 – 1800hrs)			
Site Access with Mill Forest Lane	46	25	71

Projected 2023 (Inc. traffic growth, proposed development and committed development flows) two way 'am' and 'pm' peak hour vehicle flows along Challenge Way / Grange Road of circa 1,200 and 1,100 movements respectively.

The layout of the proposed site access would be a priority junction with the layout of the junction being designed to accommodate buses if public transport penetration is required at a future date.

Within the vicinity of the site, the speed limit is 30mph with estimated vehicular speeds being within the speed limit.

In relation to the highway network local to the Mill Forest Lane access, the following junctions have been considered within the assessment:

- Mill Forest Way – Site access.
- A653 Leeds Road/Owl Lane – Signalised T-Junction.
- A653 Leeds Road/ John Ormsby VC Way/B6128 Challenge Way – Signalised Crossroads.
- B6128 Grange Road/Mill Forrest Way/Grange Valley Road – Roundabout.
- Rouse Mill Lane/Station Road – Priority T-Junction.
- A652 Bradford Road/Rouse Mill Lane/Albion Street – Signalised Crossroads.
- A652 Bradford Road/Station Road/Hick Lane – Signalised Crossroads.

Assessment of the submitted modeling has been carried out by KC UTC for the above junctions has been carried out with the output data indicating that the junctions are forecast to operate safely and effectively.

10.32 **Forecast Development Modal Split and Site Accessibility**

Table 3 below sets out the extrapolated modal split associated with the whole development site which is forecast to generate 307 person movements within the peak hours.

Table 3. Modal split

Mode	%	AM Peak Hour			PM Peak Hour		
		Arrivals	Depart	Totals	Arrivals	Depart	Totals
Walk	6.5%	5	15	20	13	7	20
Cycle	0.9%	1	2	3	2	1	3
M/Cycle	0.7%	1	1	2	1	1	2
Car	76.3%	63	171	234	149	85	234
Car/Pass	7.0%	6	15	21	14	7	21
Bus	6.7%	5	15	21	14	7	21
Train	2.1%	2	4	6	4	2	21

10.33 Accessibility

In consultation with Metro (West Yorkshire Combined Authority (WYCA)), the following comments are made in relation to accessibility:

10.34 City Region Context

The Combined Authority and the Leeds City Region Enterprise Partnership (LEP) have a shared economic vision for economic growth throughout the City Region and work closely with our partner councils to deliver a shared Strategic Economic Plan (SEP). The Combined Authority is also responsible for the West Yorkshire Transport Strategy (WYTS).

10.35 The SEP is based on a vision to 'unlock the potential of the City Region, developing an economic powerhouse that will create jobs and prosperity'. Enhanced housing and employment growth are central to this ambition. The SEP aims to build on the existing market strengths and promote delivery of strategic development opportunity across the City Region in the longer term.

10.36 Alignment with the SEP and WYTS

The proposed development is located within the North Kirklees Growth Zone of which is a 'Housing Growth Area' Spatial Priority Area which is identified within the SEP. Housing Growth Areas are intended to provide sites that allow for the accelerated delivery of new homes in balanced and sustainable communities.

10.37 WYCA therefore support the principle of the application for housing in this location and the significant contribution it will make to increasing housing growth within Kirklees and the wider City Region.

10.38 The WYTS has been developed to, in part, ensure that the anticipated growth in the Leeds City Region set out in the SEP can be achieved in a sustainable way. The WYTS aims to set the policy framework to promote new journeys to be made in full or part by sustainable transport, using rail, bus and new technologies, and by cycling and walking, or combinations of these modes by encouraging places that are high quality and liveable.

10.39 General Transport Comments

The application site forms a large part of allocation HS72 of the recently adopted local plan. As part of the sustainability appraisal evidence for the local plan, the Combined Authority undertook a number of accessibility assessments for the site allocations. As with all large sites, it is inevitable that accessibility scores vary across the site as the accessibility is based on an initial walk distance to a public transport stop.

10.40 The assessment at this site indicated that the northern portion and southern most extent of the site achieved accessibility scores in the agreed upper and lower thresholds to all the destinations tested (Employment, Primary Schools, Secondary Schools, Further education, GPs, Hospitals, Local Centres and Town and District centres).

10.41 The main public transport services (212 / 212A) that serve the site are operated, in the main, on a commercial basis by Arriva. The Combined Authority pay for some evening and weekend trips. The 212 / 212A services provide an hourly service operating along Soothill Lane in each direction between Dewsbury and Wakefield.

- 10.42 Access to the existing stops on Soothill Lane from the development is limited due to the existing residential units along Soothill Lane and Lydgate Road. There could be an opportunity to access Soothill Lane by putting a public right of way (PROW) between the electricity substation and the property 224 Soothill Lane. There is also an existing PROW to Lydgate Road between the residential units and the junior school that should be incorporated into the site layout. Both access points would reduce the walking and cycling distances to get out of the site to access the bus and cycle networks.
- 10.43 Influencing Travel Behaviour
As discussed, significant bus service enhancements would not be viable. The focus should therefore for this site should be to positively influence travel behaviour towards sustainable modes.
- 10.44 In terms of infrastructure improvements, there have been some recent rationalisation of bus stops along Soothill Lane with the relocation of bus stop 16141 and removal of bus stop 16139 (located opposite the electricity substation on Soothill Lane). Bus Stop 16141 is the closest Wakefield bound stop that is currently a bus stop pole. Subject to a site assessment, a shelter and real time passenger information display (at a cost of £23, 000) should be provided at this stop. In addition, funding should be provided to install a Real Time Information display (at a cost of £10, 000) at stop 16138. This will be secured through a Section 106/legal agreement.
- 10.45 The Combined Authority administrate a public transport incentive scheme on behalf of the West Yorkshire public transport operators called the Residential Metro card Scheme. The scheme allows developers to purchase (in bulk) heavily discounted (40% discount) annual metro card tickets. Metro cards are multi operator public transport tickets that can be used on all buses in West Yorkshire. Metro cards can also be upgraded by either the developer or the resident to include rail services.
- 10.46 The residential metro cards scheme can be provided for all units or can be rolled out on a first come first served basis.
- 10.47 The council could also consider implementing a more flexible incentive scheme (in conjunction with the developer / travel plan coordinator for the site) that encourages sustainable travel. As implemented in other authorities in West Yorkshire, a 'Sustainable Travel Fund' could be established (based on the cost of metro cards) that could be used flexibly to fund measures such as (not an exhaustive list):
- Metro cards / other ticketing products
 - Cycle vouchers
 - Walking and Cycling equipment
- 10.48 This approach allows better flexibility for residents and may encourage a wider range of residents to use a range of sustainable modes of transport.

10.49 Travel Plan

A residential Framework Travel Plan has been set out within the Transport Assessment which sets out a provisional strategy to encourage sustainable travel to decrease vehicular trips and single occupancy, increase the use of public transport, walking, and cycling. The Framework Travel plan requires development and should include the sustainable initiatives set out with the WYCA section of this report. As such if approval of this application is recommended, a pre-commencement condition should be applied to the consent to provide a Full Residential Travel Plan. In addition a Travel Plan development / monitoring fee for 5 years is required with this proposal and shall be secured through a S106/legal agreement.

10.50 Highways DM conclusion

To summarise the off-site highway works and sustainable travel initiatives, the proposal would need to provide are:

- a) Works to the signalised soothill Lane / Leeds Road junction providing a two lane approach on the Soothill Lane arm and dedicated right turn lane
- b) Works to the Soothill Lane / Rouse Mill Lane junction approach providing additional lining and traffic management measures and delineated 2 lane approach.
- c) Works to provide a footway link to east of the site access along Soothill Lane to and the upgrade of bus stop 16137 and opposite bus stop 26338.
- d) To the west of the site access along Soothill Lane, upgrade of bus stop 16141 to a shelter and real time passenger information display; and provide Real Time Information display at stop 16138.
- e) Residential metro cards/cycle vouchers .
- f) Residential Travel Plan

10.51 Given the above, the analysis submitted by the applicant's highways consultant Vectos in relation to the proposed site accesses and transportation impact on the local highway network are considered acceptable from a highways point of view subject to appropriate highway conditions which may also require restricting the nos. of units to be served off each access points and a S106/legal agreement.

Prows/Bridleway:

10.52 Local Plan Policy LP23 requires core cycling and walking networks to be provided or safeguarded and extended to provide opportunities to reduce the number of car journeys and to link settlements, employment sites and transport hubs. The safeguarding of the network will also provide further opportunities for leisure uses, cycling, walking and riding in the countryside by linking to existing bridleways and national trails where appropriate.

10.53 The Councils PROW Officer has considered both the initial and revised indicative master plans. Whilst no objection is raised to the principle of developing this site it is confirmed that the submitted indicative plan with regards to PROWs:

"would require the formal diversion/closure of PROW by separate formal application and subsequent legal order of public rights of way within the site. PROW would have significant concerns about the submitted indicative layout, were it to be submitted at a later planning stage for consideration, which would appear likely to result in a PROW formal planning objection, and a requisite associated diversion order application may not be supported by PROW"

- 10.54 In light of the above, officers advise the final layout should where possible retain the existing PROWs (nos. BAT 43/60 & BAT 43/80). In the event they are not, a formal diversion would be required, outside the remit of a planning application at the cost of the applicant. In any case it should be acknowledged the diversion cannot be guaranteed.
- 10.55 Likewise with regards to the Bridleway, this would need to be retained, enhanced and preserved largely in its existing form. Officers are of the opinion one point of crossing where it meets and crosses an internal new estate road could be supported subject to a scheme of works being submitted and approved through condition to comply with Policies LP23 & LP24 of the Local plan and guidance in the NPPF.

Flood Risk /Drainage issues

- 10.56 The NPPF requires Local Planning Authorities to take account of climate change over the longer term, including factors such as flood risk and water supply. New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure.
- 10.57 The application is within Flood Zone 1 (i.e. the lowest level of risk). However as the site exceeds 1ha in area the application is accompanied by a flood risk assessment (FRA) produced in 2015 which formed part of the submission documents on the previous outline application.
- 10.58 The indicative layout does not completely address the flood risk assessments findings and promoted mitigation within the document. This means that drainage and flood risk would need to be taken into account fully and form part of the submission documents on any future applications. As such the final layout can only be formed taking into account the following:
- the presence of culverted watercourse within the northern part of the site,
 - actual flood incidents along Soothill Lane and surface water flood risk mapping showing flows from Soothill Lane into and through the site, with appropriate stand off distances, and
 - space for attenuation requirements which takes into account drainage and flood risk constraints
- 10.59 Members are advised at the time of writing, site investigations in the form of dye testing is in the process of being undertaken to establish the exact route of the watercourse once it leaves the site. The outcome of these investigations will determine the discharge rates of surface water and influence the sizing of the attenuation on site, which can then be agreed and conditioned. The finding of the investigations can be reported to Members in the update or on the day of committee, if completed by then. Failing this any future submission would need to be accompanied with a full drainage strategy which should be considered prior to the final layout being approved.

- 10.60 The development of this site is acceptable in principle only, however as stated above a detailed drainage strategy which addresses the above would be required at Reserved Matters stage, as would details of overland flows/flood routing and temporary drainage provision for the construction phase. Soakaways are unlikely to be acceptable on this steep site. Future submission would also need to demonstrate how attenuation can be accommodated and the long term maintenance of the drainage proposals can be secured. These details should take account of the period before which the Statutory Undertaker can adopt the system and should adoption not take place. Therefore, it is considered in addition to conditions, a Section 106/legal agreement to ensure a management company is set up for this purpose and for potential contributions to upgrading works off site, to satisfy the guidelines contained in the NPPF and Policies LP27 and LP28 of the Local Plan, at the stage of reserved matters.
- 10.61 Yorkshire Water has raised no objection subject to conditions in respect of stand-off distances to sewers and details of foul and surface water drainage.
- 10.62 With regard to the size of attenuation under any proposed adopted highway areas and indeed the accreditation of the product which comprise such 'structures' Officers advice that this could result in requirements not envisaged by the applicant and early dialogue with Highways Section 38/Structures at Kirklees is strongly advised.

Ecological/Biodiversity/Trees

- 10.63 Policy LP30 of the Local Plan states the Council will seek to protect and enhance the biodiversity. Paragraph nos. 174 and 175 of the NPPF reiterates this and advises when determining applications the primary objective is to conserve or enhance biodiversity and opportunities to incorporate biodiversity improvements in and around the developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 10.64 The application is supported by ecological information, which consists of a Preliminary Ecological Appraisal (dated 2015) and a report providing the results of various ecological surveys (dated 2016 and written specifically to discharge condition 16 on previous outline permission 2015/92908).
- 10.65 The Councils, biodiversity Officer on assessment advises:
"These reports do not provide sufficient information to determine the significance of ecological impacts as a result of the proposed indicative layout which is necessary to understand if the proposals are to be assessed against Local Plan Policy LP30. However, from the survey information available it appears that it is at least possible to develop the site for a residential use, while applying the mitigation hierarchy, with no significant residual ecological harm. I understand that significant remediation works are required at this site. As an integral element of the final proposals, the method of remediation will need to take account of the ecological constraints at the site and apply the mitigation hierarchy to avoid impacts to the most important ecological features. These features include higher value grasslands and ecological networks. It has not been demonstrated that the indicative layout/proposals will provide a biodiversity net gain, which will need to be addressed at the reserved matters stage"

10.66 In light of the above, whilst the principle of developing this site is considered acceptable, Officers are mindful the submitted layout is indicative and as such advise the significant ecological harm likely to be caused needs to be demonstrated through an Ecological Impact Assessment following up to date surveys, which should form part of the submission documents of any future applications, to accord with guidance in the NPPF and Policy LP30 of the Local Plan. This matter can be dealt with by condition.

10.67 With respect to trees, the importance of retaining trees is highlighted in the NPPF. Furthermore, Local Plan Policy LP33 states 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, including the Wildlife Habitat Network and green infrastructure networks.

10.68 The most significant tree related constraint to the site comes from trees adjacent to the proposed access onto Soothill Lane and to the north-west boundary adjacent to Highfield Court. The application is accompanied with a tree survey which has been considered by the Councils Arboricultural Officer, who makes the following comments:

10.69 *"The access north to Soothill lane is restricted and will be tight. However, the Tree Protection Plan provided demonstrates that there is sufficient room for protective fencing along both sides to protect the adjacent trees. I have no objection to the access as proposed."*

The tree report refers to the removal of T17, T20, T23 and T25 to create useable garden space. These trees are protected by TPO no. 21/02 and therefore more substantial justification would need to be evidenced before their removal to create useable garden space was acceptable. At present no explanation has been given as to why more useable garden space cannot be provided by amending the layout rather than removing valuable protected trees. With regards to the indicative plan, a number of plots are shown on the plan adjacent to trees identified as T16 to T25. These are likely to be too close when consideration is given to the shade impact of these trees. These plots should be amended to allow more useable garden space both with regards to the tree canopies and their shade impact. As the layout is not being determined at this stage I realise this level of detail need not be amended however it will be a consideration of any reserved matters".

10.70 In light of the above the submitted indicative layout cannot be supported in its current form. In addition to the advice provided from the Councils Arboricultural Officer, the tree and hedgerow loss across the site will require a robust landscaping scheme to be suitably mitigated in future submissions to address the above concerns to comply with guidance in the NPPF and Policy LP33 of the Local Plan.

10.71 Representations

Response to representations not covered in the report:

- To consider weight restriction on Soothill Lane due to use of this road by heavy goods vehicles

Response: vehicle weight restrictions are normally imposed on structures such as bridges where there is concern over the structural integrity of such features. The site is shown to be accessed of two entrance points both of which are onto roads that do not include any bridge structures. As such it is not related to the proposals nor necessary to impose such a restriction.

- Insufficient capacity at local doctors/schools/dentists/train station/medical centres

Response: Regarding the social infrastructure currently provided and available in Batley East ward (which is relevant to the sustainability of the proposed development), it is noted that local GP provision has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance requiring a proposed development to contribute specifically to local health services. Furthermore, it is noted that funding for GP provision is based on the number of patients registered at a particular practice, and is also weighted based on levels of deprivation and aging population. Direct funding is provided by the NHS for GP practices and health centres based on an increase in registrations. Local education needs are addressed later in this report in relation to planning obligations. Batley East has a small number of shops, pubs, churches, eating establishments and other facilities, such that at least some of the daily, social and community needs of residents of the proposed development can be met within this ward, which further indicates that residential development at this site can be regarded as sustainable.

- Utilities/services infrastructure in surrounding area cannot cope nor accommodate proposed development

Response: The developer would carry out the relevant assessments/investigations and liaise with the appropriate utility providers to ensure the development can be carried out and accommodated without overburdening the surrounding infrastructure/services.

Other matters raised:

- would cause anti-social behaviour & increase crime in the area

Response: Noted. The final layout/design details should take into account the advice of the West Yorkshire Police Liaison Officer to incorporate good security, to minimise the risk of crime and maximise surveillance to publicly accessible areas into the scheme.

- Publicity of application has informed some residents but not others

Response: Publicity of the proposals and revised submissions have been carried out in accordance with normal standard protocol/procedures. This involved sending out neighbour letters to the properties that adjoin the application red line and posting site notices (5 in this instance) in the vicinity of the site.

None Planning issues

- Property prices of existing properties will be affected

Response: This issue cannot be taken into account in the assessment of any planning application as it is not a material consideration.

- Council has conflict of interest, being the landowner and applicant

Response: It is not unusual for a number of sites where the Council is the owner and applicant. Planning Officers base their assessment and determine the application/proposals as on any application, liaising with the appointed planning consultant on behalf of the applicant, in this case Savills UK Ltd.

- Shouldn't Council have employed its own independent highway consultant rather than agent

Response: On the contrary, it was more appropriate for the appointed planning consultants to appoint their highway consultant.

Turning to the question that have been posed, whilst some have been addressed in the assessment, future detailed submission will take into account of the remainder of the issues raised to ensure a scheme which incorporates the most sustainable net gains as set out in the NPPF and Policy LP24 of the Local Plan is achieved on this site.

Planning obligations to be secured through S106/legal agreement:

10.72 ***Affordable housing:***

Batley and Spen (SHMA sub-area the site is in), has one of the highest levels of need for affordable housing in Kirklees. 3+ bedroom houses in particular are needed, as well as 1-2 bedroom homes and 1-2 bedroom homes for older people specifically.

10.73 Owner occupier rates in the area are over 65% (under 70%), private renting is around 15% of the market and affordable housing is over 15% of the market. House prices in Batley and Spen range between £86,000 and £162,500, putting it in the lower range for house prices in Kirklees. Lower quartile rent in the area is £394 per month.

10.74 As only the principle of developing this site for residential development is sought with all matters reserved (other than the access points), to accord with Local Plan Policy LP11 and the Kirklees Affordable Housing Policy, 20% of the dwellings/units of the final scheme will be sought for affordable housing with a tenure split of 54% Social or Affordable Rent to 46% Intermediate housing. This matter can be dealt with condition on the outline application.

10.75 ***Open Space (new, improvements to existing, sport & recreation facilities in the area & links/connections to nearby open space);***

LP63 of the Local Plan states that new housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area (as set out in more detail above under (Landscape/Open space issues) unless the developer clearly demonstrates with evidence that it is not financially viable or feasible. The matters for provision of open space can be addressed by condition.

10.76 Education:

LP49 of the Local Plan states that the need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. The site straddles different priority admission areas. Based on the applicant's previous indicative layout (309 dwellings) an education contribution of £539,988.00 was calculated. The final no. of units at reserved matters stage will establish the exact amount to be secured towards education through a S106/legal agreement. For now this matter can be addressed by condition.

10.77 Highway works/improvements (sustainable travel incentives);

Contribution(s) related to highways impacts are required. This would depend on the number of units finalised at the reserved matters stage, the related vehicle movements, and any local highways issues. The provision of Metro cards for residents along with other incentives including real time display units will be appropriate. Should Members be minded to approve the outline consent, the need for such provisions including the full Residential Travel Plan will be conditioned. The monitoring fee for 5 years is required with this proposal and shall be secured by a S106/legal agreement as set out in the recommendation.

10.78 Drainage maintenance management:

Drainage maintenance/ management prior to adoption by a management company and potential contributions to upgrading works off site will also need to be secured through a S106/legal agreement, as advised by the Councils Lead Local Flood Authority. These matters again would be considered and secured through further at reserved matters stage.

Other Matters:

10.79 Contaminated land/ Coal mining Risk Assessment:

Parts of the site (at the southern boundary and the north east corner) are immediately adjacent to land shown as being potentially contaminated from its former use. In addition, The Coal Authority records indicate that the site has been subject to both recorded and historic unrecorded underground coal mining at shallow depth and the zone of influence from an off-site recorded mine entry (shaft ref: 425423-006) which extends into the south eastern part of the site. The proposed end use is one which is sensitive to contaminated land issues.

10.80 The application is accompanied with a Phase I Geo-Environmental and Coal Mining Risk Assessment Report" by Parsons Brinckerhoff, Ref: 3514191A.3171 Version 1 dated July 2015. This has been assessed by Environmental Services who accept the findings of the report and recommend a full suite of contaminated land conditions requiring the site to be fully investigated for the presence of contaminants.

10.81 The Coal Authority has been consulted. Whilst they raise no objections, the Coal Authority concurs with the recommendations of the Phase 1 Geo-Environmental and Coal Mining Risk Assessment (3514191A.3171 / July 2015); that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

10.82 The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development. In the event that the site investigations confirm the need for remedial works to treat the mine entry and areas of shallow mine workings etc. to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

10.83 ***Air quality:***

The indicative site plan shows 366 units (including 54 apartments) and is regarded as a major residential development under the guidance which has the potential to cause air quality impacts as a result of road traffic exhaust emissions and during construction. The application has been considered in accordance with the West Yorkshire Low Emission Strategy Planning Guidance. This guidance categorises developments according to size and different air quality mitigation/assessment is required when the application meets certain criteria. The application is accompanied with an Air Quality Assessment ref: 2439r3 dated 07th June 2019.

10.84 In this context there are a number of conditions required to provide appropriate mitigation measures including:

- Installation of electric charging points for the dwellings and
- A construction environmental management plan (CEMP) including details of 1) Control of Noise & Vibration from construction related activities 2) measurements to control dust arising from all construction related activities and 3) measures to control artificial lighting used in connection with all construction related activities.

10.85 Subject to the imposition of these conditions, the development is considered acceptable in relation to Air Quality, and would comply with the aims of Chapters 9 and 15 of the NPPF, WYLES and Policies LP24, LP52 of the Local Plan.

10.86 ***West Yorkshire Archaeology Advisory (WYAS):***

The WYAS recommends in accordance with the guidance in the NPPF, an archaeological evaluation, based on appropriate analytical methods, of the full archaeological implications of the proposed development. The WYAS recommend that this evaluation should be carried out prior to the determination of this application. The applicant is amenable to the pre commencement condition as suggested by WYAS.

10.87 ***Health Impact Assessment (HIA):***

Kirklees Council have developed a screening process to determine when a Rapid Health Impact Assessment is required and will therefore advise developers when one needs to be completed. The screening process acknowledges the interrelationship between planning policy, health and health inequalities and that those living in the most deprived neighbourhoods experience both environmental disadvantages and area inequalities which adversely affect population and individual health.

- 10.88 For developments on both allocated and unallocated sites, the screening methodology assesses the size of the site, as well as inequalities in health at a ward level through consideration of the level of socioeconomic deprivation and a series of health indicators on which new developments may have an impact.
- 10.89 The site is in a ward which has been identified to have one or more of the five Public Health Indicators where land use planning can have an influence. In light of this the applicant has been informed for the need of a HIA and is amenable to the imposition of a condition to address this matter.
- 10.90 The West Yorkshire Police Liaison Officer has made a number of comments / recommendations. These should be incorporated into the scheme to promote good security, minimise the risk of crime and maximise surveillance to publicly accessible areas. In light of this, the applicant is agreeable to a condition or note to ensure the security measures to meet the secure by design guidance and crime prevention is incorporated in to any future layouts/design to provide sufficient protection to the future occupants and users of the PROWs/Bridleway within the site, in accordance with guidance in the NPPF and Policy LP24 Of the Local Plan.

11.0 CONCLUSION

- 11.1 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.
- 11.2 The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to conditions and further consideration at Reserved Matters stage, it is considered that the principle of developing this site for housing is acceptable and would increase housing in an area where there is an identified lack and accord with paragraph no. 67 of the NPPF, on this allocated housing site and is therefore recommended for approval.

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

1. Standard OL condition (submission of Reserved Matters)
2. Standard OL condition (implementation of Reserved Matters)
3. Standard OL condition (Reserved Matters submission time limit)
4. Standard OL condition (Reserved Matters implementation time limit)
5. Phasing to programme works on site
6. Noise report
7. Affordable housing
8. Education
9. Open space
10. Highways impacts –
 - Works within highways at Soothill Lane / Leeds Road, Soothill Lane / Rouse Mill Lane to include:
 - Lane works
 - Signalization
 - Upgrade of bus stops
 - Footway links &
 - Real time passenger information display
11. Residential Travel plan –
 - Residential Metro cards
12. Details of access and internal highways
13. Restricting nos. of units to be served off each access point
14. Drainage-
 - discharge rates of surface water
 - attenuation on site
15. Flood risk
16. Scheme of works to retain, enhance/improve PROWs/Bridleway
17. Ecological Impact Assessment
18. Landscaping scheme
19. Contaminated land conditions
20. Coal mining legacy
21. Construction Environmental Management Plan
22. Electric vehicle charging Points
23. West Yorkshire Archaeology evaluation
24. Health Impact Assessment
25. Secure by design measures

Background Papers:

Application and history files. See report above

Website link to be inserted here

<https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/detail.aspx?id=2018%2f94189>

Certificate of Ownership –the Council is the applicant and the application is accompanied with Certificate B signed