
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 11-Jul-2019****Subject: Pre-application 2018/20078 for mixed use development comprising up to 1,534 dwellings and 35 hectares of employment land at Leeds Road, Chidswell, Dewsbury****APPLICANT**

WYG

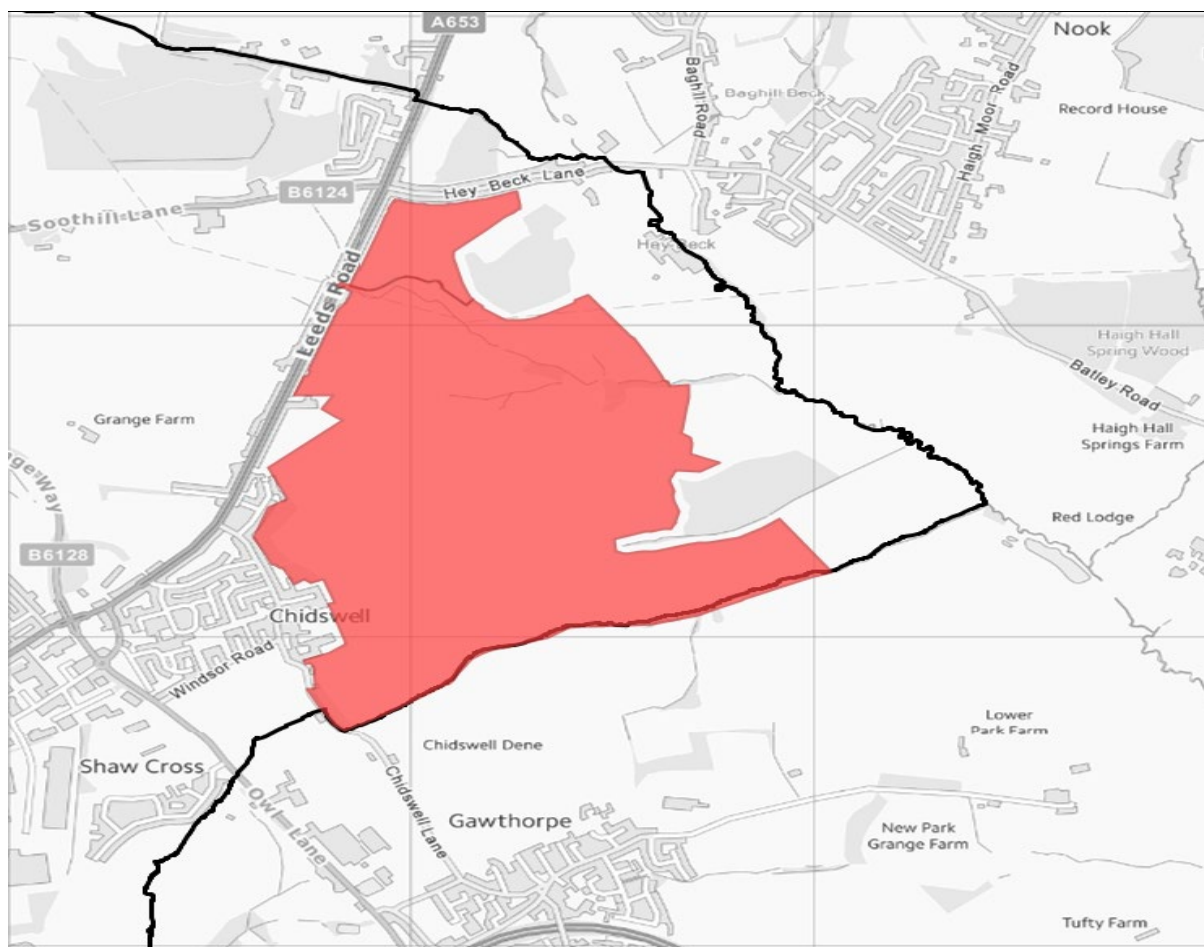
DATE VALID

15-Mar-2018

TARGET DATE

11-Apr-2018

EXTENSION EXPIRY DATE

LOCATION PLAN**Map not to scale – for identification purposes only**

Electoral Wards Affected: Batley East and Dewsbury East

Yes

Ward Members consulted

RECOMMENDATION

Members to note the contents of this report for information.

1.0 INTRODUCTION

- 1.1 This pre-application enquiry is presented to the Strategic Planning Committee to inform Members of a potential large scale major application, for which applications for outline planning permission are likely to be submitted later this year.
- 1.2 Two pre-application enquiries have been submitted. 2018/20078 relates to the larger part of the site (approximately 112 hectares), and 2018/20077 relates to the smaller, northern part of the site (approximately seven hectares).
- 1.3 The outline applications would be brought to the Strategic Planning Committee for determination.
- 1.4 Details of the proposed development, and relevant planning considerations, are summarised in this report.

2.0 SITE AND SURROUNDINGS

- 2.1 The site is approximately 120 hectares in size and is allocated for mixed use development (housing and employment) in the Local Plan (site allocation ref: MXS7). The site's southern edge meets the Kirklees/Wakefield borough boundary, and its northeastern edge comes within 115m of the Kirklees/Leeds borough boundary.
- 2.2 The site is currently in agricultural use and is flanked on its north, west and southwest edges by existing residential development. To the south and northeast are fields in agricultural use, and the ancient woodlands of Dum Wood and Dogloitch Wood.
- 2.3 The site generally slopes downhill from southwest to northeast. An east-west depression follows a watercourse that crosses the site. The site's lowest point is approximately 75m AOD on its northeast edge, and its highest point is approximately 120m AOD close to the Huntsman PH on Chidswell Lane.
- 2.4 No part of the site is within a conservation area, and there are no listed buildings within the site. The nearest designated heritage assets within Kirklees are the Grade II listed toll gates on Grange Road to the west.

- 2.5 Several Tree Preservation Orders protect trees within and close to the site.
- 2.6 The site meets Chidswell Lane to the west, and has an existing vehicular access point off Leeds Road (the A653), between numbers 1060 and 1062. The site can also be accessed from Chidswell Lane, Leeds Road and Heybeck Lane via several public footpaths. These public rights of way continue across the site. There are also informal paths within the site and through the adjacent woodlands.
- 2.7 Almost all of the site is greenfield and is grassed. No significant buildings exist within the site's boundaries. High-level overhead power lines run east-west across the site.
- 2.8 The site has some landscape sensitivity resulting from its location, surrounding topography and visibility from surrounding locations (including in longer views, and vantagepoints within adjacent boroughs) and from public footpaths.
- 2.9 Much of the site is within a Development High Risk Area as defined by the Coal Authority.
- 2.10 Two adjacent sites are also allocated for development in the Local Plan. Lees House Farm to the west (site allocation ref: MXS5) is allocated for mixed use development, and land between Chidswell Lane and Owl Lane to the southwest (site allocation ref: HS47) is allocated for residential development.

3.0 PROPOSAL

- 3.1 A mixed use development of approximately 1,535 residential units and 35 hectares of employment land (providing up to 122,500sqm of floorspace and up to 2,500 new jobs) is proposed. A two form entry primary school, and a community hub (which may include convenience retail, a pharmacy and a doctor's surgery) are also proposed.
- 3.2 The proposed development includes approximately 15 hectares of public open space, a multi-use games area, playspaces, allotment gardens, drainage swales and ponds, treeplanting and soft landscaped areas.
- 3.3 The development's employment area is proposed along the site's east-west depression between the site's Leeds Road vehicular entrance and Dogloitch Wood. Most of the dwellings, and the school and community hub, would be to the south of the employment area. A further residential area of approximately 180 dwellings is proposed to the north of the employment area, between Dum Wood and the Leeds Road / Heybeck Lane junction.
- 3.4 The proposed development would be laid out around two new, primary roads. One road (serving most of the dwellings, the school and community hub) would run through the site between new vehicular entrances on Leeds Road and Chidswell Lane, and another (serving the employment uses) would form a long loop accessed from the site's existing vehicular site entrance on Leeds Road. A short road connecting these primary roads, but preventing HGV movements into the main residential area, is also proposed. The smaller residential area at the north end of the site would have a separate, new vehicular access from Heybeck Lane. Another new vehicular entrance is proposed on Chidswell Lane, giving the development a total of five vehicular entrances.

- 3.5 Existing public footpaths would largely be retained (some minor diversions are proposed), and new footpaths, footways and cycle routes would be created throughout the site.
- 3.6 Two applications for outline planning permission (with details of access) are expected later this year – one for the larger part of the site, and one for approximately 180 dwellings at the north end of the site.

4.0 RELEVANT PLANNING HISTORY (including enforcement history)

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

5.0 HISTORY OF NEGOTIATIONS (including revisions to the scheme)

- 5.1 A concept masterplan was prepared by the applicant in 2017 for the purpose of informing discussions at the Local Plan Examination in Public. While this concept masterplan had merit, the council and the applicant agreed that it would be appropriate to restart the masterplanning process, looking again at the site's constraints and opportunities, consulting with residents, Members and other stakeholders, and devising a new masterplan through an iterative design process. This masterplanning work began in summer 2018, and is ongoing.
- 5.2 Officers from several council departments have attended monthly meetings with the applicant team.
- 5.3 On 24/05/2018 the council issued an Environmental Impact Assessment (EIA) Screening Opinion, stating that the proposed development of the larger part of the site constituted EIA development, for which an Environmental Statement would need to be submitted (ref: 2018/20078). The council subsequently issued an EIA Scoping Opinion on 03/12/2018 (ref: 2018/20408).
- 5.4 On 22/05/2018 the council issued an EIA Screening Opinion, stating that the proposed development of the smaller, northern part of the site did not constitute EIA development (ref: 2018/20077).

6.0 PLANNING POLICY

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

Kirklees Local Plan (2019):

- 6.2 The site is allocated for mixed use development in the Local Plan (site allocation ref: MXS7). The site allocation sets out an indicative housing capacity of 1,535 dwellings, and an indicative employment capacity of 122,500sqm for the site.
- 6.3 Site allocation MXS7 identifies the following constraints relevant to the site:
- Third party land required for access
 - Multiple access points required
 - Public rights of way cross the site
 - Additional mitigation on the wider highway network may be required
 - Power lines cross the site
 - Multiple watercourses cross the site
 - Air quality issues
 - Noise source near site
 - Odour source near site
 - Potentially contaminated land
 - Part of the site lies within a UK BAP priority habitat
 - Site is within the Wildlife Habitat Network
 - Part of the site contains a Habitat of Principal Importance
 - Site is close to an archaeological site
 - Part/all of the site is within a High Risk Coal Referral Area
- 6.4 Site allocation MXS7 also identifies several other site specific considerations in relation to landscape impacts, economic development and regeneration, local education provision, access points, the site's relationship with allocated site HS47, residential amenity, cycling, mitigation of highway network impacts, the provision of a new Local Centre (subject to sequential testing and impact assessment) and protective buffers for the adjacent ancient woodlands. The site allocation confirms that a masterplan is required for the site.
- 6.5 Relevant Local Plan policies are:
- LP1 – Presumption in favour of sustainable development
 - LP2 – Place shaping
 - LP3 – Location of new development
 - LP4 – Providing infrastructure
 - LP5 – Masterplanning sites
 - LP7 – Efficient and effective use of land and buildings
 - LP9 – Supporting skilled and flexible communities and workforce
 - LP11 – Housing mix and affordable housing
 - LP13 – Town centre uses
 - LP18 – Dewsbury Town Centre
 - LP19 – Strategic transport infrastructure
 - LP20 – Sustainable travel
 - LP21 – Highway safety and access
 - LP22 – Parking
 - LP23 – Core walking and cycling network
 - LP24 – Design
 - LP26 – Renewable and low carbon energy

LP27 – Flood risk
LP28 – Drainage
LP29 – Management of water bodies
LP30 – Biodiversity and geodiversity
LP32 – Landscape
LP33 – Trees
LP34 – Conserving and enhancing the water environment
LP35 – Historic environment
LP36 – Proposals for mineral extraction
LP38 – Minerals safeguarding
LP47 – Healthy, active and safe lifestyles
LP48 – Community facilities and services
LP49 – Educational and health care needs
LP50 – Sport and physical activity
LP51 – Protection and improvement of local air quality
LP52 – Protection and improvement of environmental quality
LP53 – Contaminated and unstable land
LP63 – New open space
LP67 – Mixed use allocations

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

- Kirklees Economic Strategy (2019)
- Leeds City Region Strategic Economic Plan (2016)
- Kirklees Strategic Housing Market Assessment (2016)
- Kirklees Housing Strategy (2018)
- Providing for Education Needs Generated by New Housing (2012)
- Kirklees Joint Health and Wellbeing Strategy and Kirklees Health and Wellbeing Plan (2018)
- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance (2016)
- Kirklees Biodiversity Strategy and Biodiversity Action Plan (2007)
- Public Rights of Way Improvement Plan (2010)
- Waste Collection, Recycling and Storage Facilities Guidance – Good Practice Guide for Developers (2017)
- Green Streets Principles (2017)
- Fields in Trust Guidance for Outdoor Sport and Play (2015)
- Design Guidelines for Development Near Pylons and High Voltage Overhead Lines (2019)

National Planning Policy and Guidance:

6.7 The National Planning Policy Framework (2019) seeks to secure positive growth in a way that effectively balances economic, environmental and social progress for this and future generations. The NPPF is a material consideration and has been taken into account as part of the assessment of the proposal. Relevant paragraphs/chapters are:

- Chapter 2 – Achieving sustainable development
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy

- Chapter 7 – Ensuring the vitality of town centres
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment
- Chapter 17 – Facilitating the sustainable use of minerals

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

7.0 PUBLIC/LOCAL RESPONSE

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

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

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

- If several developers bring forward separate developments, they need to work to the same aesthetic guidelines, although some variety in dwellings is needed.

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

8.0 CONSULTATION RESPONSES

8.1 Extensive consultation relating to development at this site was carried out during the preparation of the Local Plan. At pre-application stage, internal consultation was carried out (and is ongoing), with officers from several departments attending monthly meetings with the applicant team. Although consultation carried out at pre-application stage does not normally involve external consultees, officers will consult with relevant parties as and when further information is submitted by the applicant. Officers at Leeds City Council and Wakefield Council will be kept up-to-date, given the site's proximity to the borough boundaries.

8.2 On 25/02/2019 the applicant team presented the emerging proposals to the Yorkshire and Humber Design Review Panel. The Panel commended the working partnership between the council and the applicant. The Panel stated that the principles that inform the emerging masterplan were "on the right track", and that the emerging development principles should be safeguarded so that the next stage of the design process shares the same vision and achieves high quality placemaking – this could be achieved through strict design guidance or coding. Visual demonstrations of the site's shape and topography (and information on how these features informed the proposed layout) were requested. Further work on street widths, character areas, road hierarchy and building heights was recommended. More thought should be given to character, hierarchy, scale and massing, legibility, wayfinding and landmarks. Some pedestrian areas could be made more convenient and be given greater natural surveillance.

9.0 SUMMARY OF MAIN ISSUES

- Land use, sustainability and principle of development
- Quanta
- Masterplanning, design and conservation
- Infrastructure requirements and delivery
- Employment element
- Residential element
- Highway and transportation issues
- Flood risk and drainage issues
- Public and environmental health
- Site contamination and stability
- Ecological considerations
- Trees and hedgerows
- Planning obligations and financial viability
- Phasing

10.0 MAIN ISSUES

Land use, sustainability and 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 Local Plan also seeks to deliver approximately 23,000 jobs between 2013 and 2031 to meet identified needs.
- 10.4 The Leeds City Region Strategic Economic Plan identifies a major employment growth opportunity (Employment Growth Area) at Chidswell. The Kirklees Economic Strategy supports the growth of employment uses and supporting infrastructure. The North Kirklees Growth Zone initiative identifies Chidswell as a major strategic employment location for the City Region, and a location for over 1,500 new homes. The site is allocated for mixed use development (housing and employment) in the Local Plan (site allocation ref: MXS7 (previously MX1905). The site is intended to be a key contributor to the council's economic growth aspirations, being one of the major employment sites allocated for development in the Local Plan. The site's role in the regeneration of Dewsbury, Batley and indeed North Kirklees is significant.
- 10.5 Full weight can be given to site allocation MXS7. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis available land and its suitability for housing, employment and other uses. The Local Plan, which was found to be an appropriate basis for the planning of the borough by the relevant Inspector, strongly encourages the use of the borough's brownfield land, however some release of green belt land was also demonstrated to be necessary in order to meet development needs. Regarding this particular site, in her report of 30/01/2019 the Local Plan Inspector stated that there were no significant constraints that would prevent the site being delivered, that there were exceptional circumstances to justify the release of the site from the green belt, and that the site allocation was soundly based.
- 10.6 Site allocation MXS7 requires the provision a new two form entry primary school (which is proposed). It also supports the creation of a new Local Centre commensurate with the scale of growth proposed, subject to sequential testing and impact assessment.
- 10.7 At application stage the applicant would need to submit supporting information to demonstrate that the proposed development net gains in respect of all three sustainable development objectives (economic, social and environmental).

- 10.8 Of relevance to delivery, the applicant is likely to submit two applications for outline planning permission – one for the larger part of the site, and one (possibly with a more detailed layout worked up) for the approximately 180 dwellings proposed at the north end of the site. This is intended to respond to a query raised by the Local Plan Inspector as to whether early delivery of housing at part of the site could be demonstrated.

Quanta

- 10.9 As noted above, site allocation MXS7 sets out indicative capacities of 1,535 dwellings and 122,500sqm of employment floorspace.
- 10.10 The applicant intends to meet these expected quanta in the proposed development.

Masterplanning, design and conservation

- 10.11 Due to the size of the site, the scale of the proposed development, the wide range of relevant planning considerations, the requirements of site allocation MXS7 and Local Plan policy LP5, and the adjacent site allocations MXS5 and HS47, a masterplanning approach is necessary for this site. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.12 A concept masterplan was prepared by the applicant in 2017 for the purpose of informing discussions at the Local Plan Examination in Public. While this concept masterplan had merit, the council and the applicant agreed that it would be appropriate to restart the masterplanning process, looking again at the site's constraints and opportunities, consulting with residents, Members and other stakeholders, and devising a new masterplan through an iterative design process. This masterplanning work began in summer 2018, and is ongoing.
- 10.13 The proposed layout has been influenced by the requirements of the site allocation, the site's topography, the existing and possible locations of vehicular entrances, green infrastructure, drainage, existing watercourses, the need for separation between uses, open space requirements, the most appropriate location(s) for social infrastructure, highway safety and adoption, public rights of way, the high-level overhead power lines and pylons to be retained, adjacent uses, and other factors.
- 10.14 The proposed development would have four main physical components:
- an employment area set within the site's east-west depression between the site's Leeds Road vehicular entrance and Dogloitch Wood,
 - a large residential area accommodating most of the development's dwellings, with character areas ("The Pasture", "The Ridge", "Hill Top" and "The Lowlands") identified within,
 - an area close to Leeds Road, accommodating the primary school, community hub, multi-use games area, allotments and other uses, and

- a further residential area, accommodating approximately 180 dwellings, to the north of the employment area, between Dum Wood and the Leeds Road / Heybeck Lane junction.
- 10.15 Separation of the development's two main uses (residential and employment) is proposed, with the applicant's plans showing swathes of open space and landscaping between these uses, and two separate primary roads (with restrictions preventing HGVs moving into the main residential area) serving them.
- 10.16 The proposed development's density should be informed by adjacent densities and character, the amount of developable land and the indicative site capacity set out in site allocation MXS7, the need for efficient and effective use of land, and Local Plan policy LP7 which refers to a net density of at least 35 dwellings per hectare (where appropriate). Variations in density across the site would be appropriate – a crescendo of density towards the development's community hub would reflect density patterns commonly found in existing settlements, for example.
- 10.17 The wider landscape impacts of the proposed development will be illustrated and considered once proposed views (taken from vantagepoints agreed with officers) are submitted. A Landscape and Visual Impact Assessment would need to be submitted at outline application stage and cross-referenced with the applicant's Design and Access Statement and Environmental Statement.
- 10.18 Regarding sustainable design, there is ample opportunity at this site to include significant, beneficial passive and active measures, such as solar gain, measures to facilitate and encourage the use of sustainable modes of transport, and decentralised energy.
- 10.19 There are few designated heritage assets close to the site, however impacts would need to be assessed nonetheless, and the applicant is preparing an archaeological report and a heritage statement for submission at outline application stage.
- 10.20 The applicant is in discussions with the potential developer of the adjacent site (ref: HS47) to the southwest.

Infrastructure requirements and delivery

- 10.21 A major development of this scale, and in this location, would require significant infrastructure to render the site ready to take development, to support development during its operational phase, and to mitigate its impacts. The applicant is currently working to ascertain what infrastructure is needed, however works and provisions would, or may, include site investigation, stabilisation and remediation (including in relation to the site's coal mining legacy), formation of development platforms, provision of new roads and junctions, signalisation works, new cycle routes, new footways and footpaths (and diversions and improvements to existing footpaths), the required two form entry primary school, playspaces, sports and recreation facilities, other social infrastructure, allotments, landscaped areas, ecological enhancement, other green infrastructure, public realm works, surface water drainage, utilities (water, sewerage, electricity, gas, and telecommunications including fibre

broadband), electricity substations, decentralised energy (energy centre and distribution network), work related to the retained pylons, noise and air quality mitigation. Temporary, between-phase, infrastructure may also be required.

- 10.22 It is crucial that these infrastructure requirements are identified at an early stage, and it is important to ascertain when these works and provisions are required (phased delivery of some works may be appropriate), their costs, and who would be responsible for their delivery.
- 10.23 The applicant is currently consulting with potential infrastructure delivery partners, and is considering different infrastructure delivery models.

Employment element

- 10.24 Noting site allocation MXS7's indicative employment capacity of 122,500sqm, the need to provide space for small and medium-sized enterprises (as well as major employers), the applicant's suggestion that up to 2,500 jobs would be provided, and the council's intention to ensure this site serves as a key contributor to the council's economic growth aspirations, a range of employment uses and unit sizes should be proposed.
- 10.25 The applicant's masterplan suggests an indicative range of unit sizes would indeed be provided – these would include large footprint buildings towards the centre of the site, and several smaller (and partitionable) units.
- 10.26 Officers have advised the applicant that B8 (storage and distribution) floorspace would need to be limited, that this is not an appropriate location for non-ancillary offices, and that a strong response to the Kirklees Economic Strategy's emphasis on advanced manufacture and precision engineering is expected. High numbers of quality, skilled jobs and apprenticeships would be expected (details of these would be considered further at Reserved Matters stage and/or when occupants are identified, having regard to Local Plan policy LP9), opportunities for local employment should be maximised, and space for expansion (without having to relocate) of businesses within the site is needed for sustainability and business continuity reasons. Members have additionally suggested that an on-site modular housing construction facility could be provided.

Residential element

- 10.27 Local Plan policies LP11 and LP24 require all proposals for housing to be of a high quality and design, providing a high standard of amenity for future and neighbouring occupants. There are constraints, or potential constraints, on residential development in certain parts of the site (including in relation to noise, odour, flood risk and the amenities of existing neighbouring properties) that would need to be addressed at Reserved Matters stage to ensure compliance with these policy requirements. Careful construction management would be necessary, to ensure the amenities of neighbouring residents and occupants of early phases are not significantly affected.
- 10.28 The proposed number of dwellings is compliant with site allocation MXS7.

- 10.29 The applicant has indicatively suggested that a range of dwelling sizes from two- to five-bedroom units are proposed, however the mix of unit sizes would not be set at outline application stage. Any unit size mix proposed at Reserved Matters stage would be required to respond to the latest Kirklees Strategic Housing Market Assessment and known need in accordance with Local Plan policy LP11.
- 10.30 At this outline pre-application stage no information regarding tenures has been provided by the applicant. Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. At Reserved Matters stage, more detail of the development's affordable housing provision would be required, in particular in relation to tenure and the locations of the dwellings. A 54% social or affordable rent / 46% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.31 The applicant is considering locations for specialist residential accommodation, which may include homes for retirement or sheltered living and/or an Extra Care facility. Dementia-friendly design and opportunities for inter-generational interaction would need to be included in the proposed development.

Highway and transportation issues

- 10.32 Within the forthcoming applications for outline planning permission, access would be the only matter not reserved.
- 10.33 A full Transport Assessment would be required at outline application stage, for consideration alongside a relevant technical chapter of the required Environmental Statement.
- 10.34 Existing highways conditions around the site must be noted. The site has an existing vehicular access point off Leeds Road (the A653, which is a dual carriageway with marked cycle lanes and a grassed central strip along this stretch), between numbers 1060 and 1062. A dropped kerb and a bus stop exist at this access point. Bus services to Dewsbury, Huddersfield, Leeds and Wakefield are available from Leeds Road.
- 10.35 The site meets Chidswell Lane to the west but has no direct vehicular access here.
- 10.36 The site can also be accessed by pedestrians from Chidswell Lane, Leeds Road and Heybeck Lane via several public footpaths, including BAT/49/10, BAT/50/10, BAT/50/20, BAT/51/10, BAT/51/20, BAT/51/30, BAT/52/10, DEW/146/10, DEW/150/10, DEW/151/10, DEW/151/20 and DEW/151/30. These public rights of way continue across the site. There are also informal paths within the site and through the adjacent woodlands. Parts of the Core Walking, Cycling and Riding Network pass through the site along existing public rights of way.

- 10.37 Future infrastructure improvement projects would be relevant to the consideration of the forthcoming applications for outline planning permission. Of particular relevance, the Mirfield to Dewsbury to Leeds project (M2D2L, also identified as scheme TS5 in the Local Plan) is intended to reduce congestion, reduce travel times, improve air quality and enhance the public realm along the A644 and the A653. The Transpennine Route Upgrade is intended to deliver faster, more frequent and more reliable services along the route that serves Dewsbury and Batley stations (the two stations nearest to the site).
- 10.38 At this stage it is not known whether any new bus services would be provided to serve the proposed development, or whether existing bus routes may be diverted or extended through the site.
- 10.39 Local Plan policy LP21 requires development proposals to be accessible, to avoid detrimental impacts on highway safety and the local highway network, and to encourage the use of sustainable modes of transport.
- 10.40 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. Access to and through the adjacent site HS47 is required, to enable access to Owl Lane (the B6128) which in turn connects to the M1 (via the A638) and the M62 (via the A653).
- 10.41 At this stage no assessment of the highway impacts of the proposed development, or trip generation information, has been provided by the applicant.
- 10.42 The cumulative impacts of the proposed development and other committed developments would need to be modelled and considered at outline application stage. Detailed information regarding the timing and nature of movements (noting that HGV movements would be associated with the proposed employment uses), the separation of residential and employment use traffic, accident data, highway safety around and along routes to/from the proposed primary school, and other information would need to be included in the Transport Assessment and Environmental Statement. The phasing of the proposed development (and nearby developments) is relevant to highways and transportation considerations, as some mitigation measures are likely to become necessary upon completion of certain quanta of development.
- 10.43 Site allocation MXS5, for the adjacent site to the west, requires the provision of access through that site to site MXS7.
- 10.44 Parking provision across the site 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 forthcoming Highways Design Guide.

- 10.45 A strategy for pedestrian and cyclist movement is required in light of the requirements of policy LP21 to encourage the use of sustainable modes of transport, policy LP23 regarding the Core Walking, Cycling and Riding Network, and policies LP20, LP24dii and LP47e which require improvements to neighbourhood connectivity and opportunities for walking and cycling. The Core Walking, Cycling and Riding Network is intended to provide an integrated system of routes that provide opportunities for alternative sustainable means of travel through Kirklees, and provide efficient links to urban centres and site allocated for development.
- 10.46 The applicant's proposed layout largely retains existing public footpaths. The proposals would necessitate minor diversions of public footpaths, however any approval of outline planning permission would not result in approval of these diversions – these would require a separate process, application and cost. At Reserved Matters stage the application site red line boundary would need to include any land proposed to be used for diverted public footpaths.
- 10.47 The applicant intends to submit a draft Travel Plan at outline application stage. 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.

Flood risk and drainage issues

- 10.48 The site is within Flood Zone 1, and is larger than 1 hectare in size, therefore a site-specific Flood Risk Assessment (FRA) and a full site-wide drainage strategy would be required at outline application stage. A chapter relating to flood risk would also need to be included in the applicant's forthcoming Environmental Statement. The requirements of chapter 14 of the NPPF, and Local Plan policies LP27, LP28 and LP29, would need to be addressed by the applicant.
- 10.49 The site has drainage-related constraints in the form of existing watercourses that cross the site, and there may also be as-yet unmapped land drains and other features of relevance to flood risk. Cllr Scott has highlighted that some areas of the site are vulnerable to flooding.
- 10.50 Measures to mitigate flood risk (at the site, and at adjacent land) are being devised by the applicant. Given the size of the site, there appears to be ample opportunity for on-site measures such as the proposed swales and attenuation ponds that could assist in limiting run-off to greenfield rates, and can additionally serve as amenity and biodiversity features within an appropriately landscaped setting. Other sustainable drainage methods, as well as permeable surfacing and rainwater harvesting, should be explored by the applicant.

Public and environmental health

- 10.51 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 and/or relevant chapter in the forthcoming Environmental Statement would be required at outline application stage.

- 10.52 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.
- 10.53 Noise, air quality, odour and other matters relevant to environmental health would need to be addressed in the applicant's forthcoming outline planning application submission.

Site contamination and stability

- 10.54 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.
- 10.55 The application site is within the Development High Risk Area as defined by the Coal Authority, therefore within the site and surrounding area there are coal mining features and hazards. The applicant would need to submit a Coal Mining Risk Assessment, noting the coal mining legacy of the site and the surrounding area, assessing risk, and making recommendations for mitigating any risk to the proposed development.

Ecological considerations

- 10.56 Part of the site contains a Habitat of Principal Importance, and part is within a Site of Special Scientific Interest Impact Risk Zone. The site is also within the Wildlife Habitat Network. Dogloitch Wood and Dum Wood are Local Wildlife Sites and are habitat-rich ancient replanted woodlands. Several hedgerows within the site provide valuable habitats.
- 10.57 Chapter 15 of the NPPF and Local Plan policy LP30 apply. Of particular note, paragraph 170 of the NPPF requires the proposed development to achieve a biodiversity net gain.
- 10.58 The applicant would be required to address ecological considerations through the submission of survey information and a proposed ecological strategy to be set out within the relevant chapter of the Environmental Statement and/or a standalone (but cross-referenced) report.

Trees and hedgerows

- 10.59 Several Tree Preservation Orders protect trees within and adjacent to site, and ancient woodlands are designated to the east of the site. Local Plan policy LP33 states that planning permission will not be granted for developments which directly or indirectly threaten trees or woodlands of significant amenity, and proposals should normally retain any valuable or important trees where they make a contribution to public amenity or have other benefits.
- 10.60 The proposed development largely retains existing trees and hedgerows, and buffers are proposed adjacent to the ancient woodlands. The applicant's landscaping proposals are currently indicative, however they illustrate potential biodiversity connections across the site.
- 10.61 Green Streets principles would need to be adhered to – at outline stage, this means sufficient space should be allowed for in new roads, and these principles would need to be accounted for in any assessment of infrastructure requirements. Detailed designs, showing Green Streets principles followed in full, would be required at Reserved Matters stage.

Planning obligations and financial viability

- 10.62 A development of this scale would have significant impacts requiring mitigation. To secure this mitigation (and the benefits of the proposed development, where relevant to the balance of planning considerations), planning obligations secured through a Section 106 agreement would be necessary. Heads of Terms are yet to be discussed with the applicant, but would or may include:
- Infrastructure works and provision (as per paragraph 10.21 above).
 - Works and contributions required to mitigate highways and transportation impacts.
 - Provision of a two form entry primary school. Delivery trigger likely to relate to completion of a certain number of dwellings.
 - Education contributions (to be calculated once numbers of units and size mix is known).
 - Open space, including playspaces, and ongoing management and maintenance responsibilities.
 - At least 20% affordable housing, to accord with Local Plan policy LP11.
 - Provision and maintenance of drainage systems.
 - Implementation of a Travel Plan along with appropriate monitoring fees.
- 10.63 Contributions, responsibilities for them (and for other obligations), their timing and triggers, how they would be apportioned, and which would be secured at outline and Reserved Matters stages, would need to be considered.
- 10.64 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 landowner 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 landowner, and such development at this site can reasonably be assumed to be viable at this stage. Therefore, and given what is known regarding the application site's development costs, and having regard to consultee responses (which any developer should make themselves aware of before purchasing the site or parts of it), the council is unlikely to entertain a future argument that residential development at this site is unviable. Should any such argument be made in the future, the council can and will have regard to paragraph 57 of the NPPF, which states that the weight to be given to a viability assessment is a matter for the decision maker.

Phasing

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

10.66 The applicant anticipates a development programme of 15 to 20 years.

11.0 CONCLUSION

11.1 Members to note the contents of this report.