
Report of the Head of Development and Master Planning**STRATEGIC PLANNING COMMITTEE****Date: 24-Oct-2019****Subject: Planning Application 2019/92787 Erection of 252 dwellings with open space, landscaping and associated infrastructure. Land at Owl Lane, Chidswell, Dewsbury****APPLICANT**

Barratt Homes

DATE VALID

29-Aug-2019

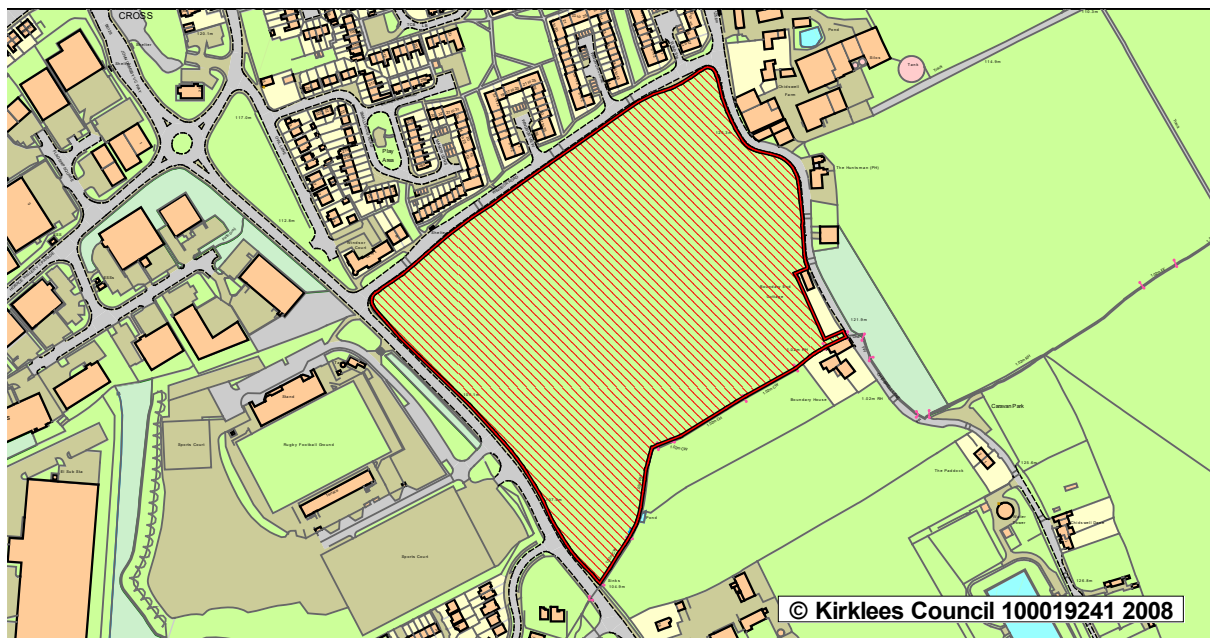
TARGET DATE

28-Nov-2019

EXTENSION EXPIRY DATE

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

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

LOCATION PLAN

Map not to scale – for identification purposes only

Electoral Wards Affected: Dewsbury East

☐ Yes

Ward Members consulted

POSITION STATEMENT – For Members to note the content of the report and presentation, and to respond to the questions at the end of each section.

1.0 INTRODUCTION:

- 1.1 This application for full planning permission is presented to Strategic Planning Committee as the proposal is a residential development of more than 60 units.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of Position Statements at Planning Committees. A Position Statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This Position Statement does not include a formal recommendation for determination. Discussion relating to this Position Statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.

2.0 SITE AND SURROUNDINGS:

- 2.1 The application site is 7.98 hectares in size and is allocated for housing in the Local Plan (site allocation ref: HS47). The site is bounded by Owl Lane (the B6128), Windsor Road and Chidswell Lane on its southwest, northwest and east sides, and the site's southern edge meets the Kirklees/Wakefield borough boundary.
- 2.2 The site is greenfield and is currently in agricultural use. To the north are residential properties on the opposite side of Windsor Road. To the east are the buildings of Chidswell Farm, its farm shop and The Huntsman PH. Boundary End Cottage abuts the site at its east corner. To the west is the relatively recent Amberwood Chase residential development and the grounds of Dewsbury Rams Rugby League Football Club.
- 2.3 The site generally slopes downhill from north to south. The site's lowest point is at its south corner (approximately 105m AOD), and its highest point is at its north corner opposite Chidswell Farm (approximately 124m AOD).

- 2.4 No part of the site is within a conservation area, and there are no listed buildings within the site. The water tower at Gawthorpe Reservoir is an important local landmark to the southeast of the site (within Wakefield borough). The site has some landscape sensitivity resulting from its location, surrounding topography, and visibility from surrounding locations.
- 2.5 No trees within or immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Adjacent land to the south, within Wakefield borough, is green belt.
- 2.6 The site's existing boundaries are dry stone walls, fenceposts-and-wire, and hedgerows.
- 2.7 No public rights of way cross the site, however public footpath DEW/146/10 meets Chidswell Lane to the east.
- 2.8 Part of the site is within a Development High Risk Area as defined by the Coal Authority.
- 2.9 Adjacent sites are also allocated for development in the Local Plan. To the northeast, site MXS7 (land at Leeds Road) is allocated for mixed use development (housing and employment), and a pre-application Position Statement for that site was presented to the Strategic Planning Committee on 11/07/2019. To the southwest, site HS52 is allocated for housing – this is the site of the relatively recent Amberwood Chase development.

3.0 PROPOSAL:

- 3.1 The application is for full planning permission for the erection of 252 residential units. These would be provided either side (to the north and south) of a spine road that would run east-west across the site between Owl Lane and Chidswell Lane.
- 3.2 A new roundabout would be created at the spine road's junction with Owl Lane. The spine road would meet the footway of Chidswell Lane, but for the time being a vehicular connection would not be made – the spine road would be continued eastwards in the future as part of the development of the adjacent site MXS7.
- 3.3 The 252 residential units would comprise 60x two-bedroom, 133x three-bedroom and 59x four bedroom dwellings. Of these, 50 units would be affordable (25x two-bedroom and 25x three-bedroom units), representing a 19.8% provision.
- 3.4 Two areas of open space would be provided close to the centre of the site, either side of the new spine road. The northern space would meet Windsor Road, and would accommodate a playspace. A third open space would be provided at the site's southern corner.
- 3.5 Dwellings would be detached, semi-detached, or provided in short terraces. Twelve house types are proposed. All would be two storeys in height. The proposed material includes red and buff brick, artificial stone, and grey and red roof tiles. Boundary treatments would include brick walls, railings and timber fencing.

3.6 The applicant is Barratt Homes.

4.0 RELEVANT PLANNING HISTORY (including enforcement history):

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

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

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

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

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

- Proposed layout has improved. The general approach to layout (including, mostly, perimeter blocks) is welcomed.
- Proposed shortfall in units (251 were proposed) is of concern, given the site's indicative capacity of 280. There is scope for changes to the proposed layout and typologies in order to increase unit numbers.
- Flats, in blocks of two or three storeys, would be appropriate.
- Excessive elevation-to-elevation distances along the spine road.
- Queried whether thought had been given to running an estate road along the south edge of the site.
- Provision of two central areas of open space either side of the spine road is welcomed. Measured area figures for all of the proposed open spaces requested.
- All streets should be designed with regard to Green Streets principles.
- All units should meet the Government's nationally prescribed space standards.

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

5.4 The applicant's current (application-stage) proposals have not significantly changed since officers provided pre-application advice in August, however the applicant has expressed a willingness to amend the proposals during the life of the current application, once consultee responses are received.

5.5 Appendices to the applicant's Transport Assessment appendices were submitted on 03/10/2019.

5.6 On 09/10/2019 officers met with the applicant team and representatives of the Church Commissioners for England (the pre-applicants for the adjacent site MXS7) to discuss highways matters.

5.7 A Health Impact Assessment is yet to be submitted.

6.0 PLANNING POLICY:

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

Kirklees Local Plan (2019):

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

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

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

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

6.5 Relevant Local Plan policies are:

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

Supplementary Planning Guidance / Documents and other documents:

6.6 Relevant guidance and documents are:

- 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)

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 4 – Decision-making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making efficient use of land
- Chapter 12 – Achieving well-designed places
- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 17 – Facilitating the sustainable use of materials

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

6.9 On 01/10/2019 the Government published the National Design Guide.

7.0 PUBLIC/LOCAL RESPONSE:

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

7.2 The application was advertised via four site notices posted on 12/09/2019, a press notice on 13/09/2019, and letters delivered to addresses close to the application site. This is in line with the council's adopted Statement of Community Involvement. The end date for publicity was 04/10/2019.

7.3 192 representations were received in response to the council's consultation. These have been posted online. The following is a summary of the comments made:

- Objection to loss of green belt land. Loss of recreational and amenity value of this land.
- Loss of quality agricultural land.
- Site should be used for tree planting.
- Children would be unable to learn from nature.
- Development would be urban sprawl. Separation corridor needed. Adverse landscape impacts.
- Development would be unsightly.
- Local landmark (water tower) would be deflected from, changing the historic character of the area.

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

7.4 Responses to these comments are set out later in this Position Statement, where necessary.

7.5 A further update on the number of responses will be provided prior to the meeting of the Strategic Planning Committee, or will be reported verbally.

8.0 CONSULTATION RESPONSES:

8.1 Statutory:

8.2 Highways

Highways Development Management (HDM) officers are currently having ongoing dialogue with the applicants (Barratt Homes – HS47) and the developer of the adjacent mixed use site (Church Commissioners for England – MXS7). Matters being discussed with a positive view in agreeing are:

- Local highway network modelling to identify the required mitigation works and associated developer obligations and mechanism for the delivery of the highway works.
- Design of the proposed spine road and design capacity of the proposed roundabout with Owl Lane.
- The design and mechanism for the delivery of the connection of spine road with MXS7 and Chidswell Lane. Note: Wakefield Council MDCC are also being consulted on this matter.

Pertinent to the Barratt Homes's proposed development site, HDM are also reviewing the applicant's Transport Assessment, Travel Plan and internal layout.

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

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

8.3 **Non-statutory:**

KC Ecology – The site's potential for supporting protected species is limited. However, the site is surrounded by hedgerows, which are habitats of principle importance in the context of policy LP30. In order to accord with the mitigation hierarchy, these hedgerows should be retained wherever possible. Any loss of hedgerow will need to be compensated for. Required screen planting at the southern boundary could include gap planting of the defunct hedgerow in this location. Further to preventing significant ecological harm, the proposals are required to demonstrate a biodiversity net gain, but currently this has not been demonstrated. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric (e.g., the revised DEFRA metric or the Warwickshire metric. In order to address the above, the proposals should be supported by landscaping information and a calculation of change in biodiversity value using an appropriate metric.

KC Education – £622,710 primary school education contribution required. No secondary school contribution required.

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

Applicant's proposed methodology for noise assessment is largely satisfactory, but will need to take into account additional matches proposed at the Dewsbury Rams ground. If the assessment determines that unacceptable indoor or outdoor levels are predicted then a detailed specification would be required for any necessary noise mitigation measures. If windows would need to be kept closed to achieve satisfactory indoor sound levels then the mitigation measures will need to include detailed information relating to the provision of alternative ventilation to the rooms affected in this way. The alternative ventilation would need to be more than standard background ventilation and be sufficient to replace ventilation that would otherwise be provided by openable windows. Because parts of the proposed development are near to potential significant noise sources such as a busy highway and the rugby stadium, a condition requiring a noise assessment of the impact of nearby noise sources on the future development will be necessary.

Applicant's proposed dust and emission measures for the development's construction phase are satisfactory – these will need to be conditioned. Electric vehicle charging points will be required by condition. Further comments on the ongoing impact of the development on local air quality will follow.

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

KC Strategic Housing – Council seeks 20% affordable housing provision in developments of 11 or more dwellings. On-site provision is preferred, however a financial contribution in lieu of on-site provision can be accepted. In the Dewsbury and Mirfield Sub-Area there is a significant need for affordable three-bedroom (and larger) properties, as well as for one- and two-bedroom homes. A mix of the proposed development's two-, three- and four-bedroom homes should be affordable. Affordable homes must be distributed throughout the development (not in clusters), and must be indistinguishable from market housing both in terms of quality and design. A 55% social or affordable rent / 45% intermediate tenure split is required, although this can be flexible. 27 social or affordable rent and 23 intermediate dwellings would be suitable for the proposed development.

West Yorkshire Police Architectural Liaison Officer – No objection in principle, but current layout is not supported. Multiple dwellings would have shared access to the rear garden, which is not supported by West Yorkshire Police. This design lends itself to creating hiding places for offenders and make it easy for them to access the rear of properties. Further advice provided regarding paths to rear of properties, lockable gates, lighting, boundary treatments, publicly-accessible areas, trees and vegetation, doors and windows, garages, parking, bin stores and alarms.

- 8.4 Outstanding consultee responses will be reported in the committee update or verbally.

9.0 SUMMARY OF MAIN ISSUES

- Land use, principle of development and quantum
- Sustainability and climate change
- Masterplanning, urban design, landscape and archaeological impacts
- Infrastructure requirements and delivery
- Residential amenity and quality
- Affordable housing
- Highways and transport
- Flood risk and drainage
- Public and environmental health
- Site contamination and stability
- Trees, landscaping and biodiversity
- Representations
- Planning obligations
- Other matters

10.0 MAIN ISSUES

Land use, principle of development and quantum

- 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 Full weight can be given to site allocation HS47, which allocates the site for housing. Allocation of this and other greenfield (and previously green belt) sites was based on a rigorous borough-wide assessment of housing and other need, as well as analysis 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 (referring to the site when it was numbered H559) stated that there were exceptional circumstances to justify the release of the site from the green belt.
- 10.4 Given the above, and notwithstanding local objections to the principle of development here, it is considered that the proposed residential use, and the principle of residential development at this site, is policy-compliant.
- 10.5 The quantum of development proposed is of concern. The proposed 252 units fall short of the 280-unit indicative capacity set out in site allocation HS47 (and included at the request of the Local Plan Inspector). Kirklees has a finite supply of land for the delivery of the 31,140 new homes required during the Local Plan period, and there is a need to "sweat" allocated sites (having regard to all relevant planning considerations) to ensure the borough's housing delivery targets are met. While it is noted that the space needed for the spine road and the Owl Lane roundabout have reduced the developable area, there is scope for amendments to the currently-proposed layout and to typologies that could help bring the quantum of development closer to the indicative capacity figure. Flats can be considered acceptable at this site, and there are corner and nodal locations and places along the proposed spine road where two- or three-storey blocks of flats would work very well in design terms, including in the context of the existing three-storey block of flats at the north corner of Owl Lane and Windsor Road. Local Plan paragraph 3.5 acknowledges that, if identified housing needs are to be met, houses of all sizes are needed together with an increasing number of flats/apartments. Several other recent major residential developments (and proposed developments) in Kirklees have included flats, and the applicant team has been encouraged to adopt a similar approach. The applicant has also been asked to review the number of detached dwellings in the current scheme – replacing some of these with more semi-detached dwellings and short terraces could also help bring the total number of units closer to 280.

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

10.8 Do Members have any comments in relation to land use, the principle of development and/or quantum at this stage?

Sustainability and climate change

- 10.9 As set out at paragraph 7 of the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development. The NPPF goes on to provide commentary on the environmental, social and economic aspects of sustainable development, all of which are relevant to planning decisions.
- 10.10 The application site is a sustainable location for residential development, as it is relatively accessible and is on the edge of an existing, established settlement that is served by public transport and other facilities. Further reference to, and assessment of, the sustainability of the proposed development is provided later in this report in relation to transport and other relevant planning considerations.
- 10.11 Regarding climate change, measures will be necessary to encourage the use of sustainable modes of transport. Adequate provision for cyclists (including cycle storage and space for cyclists), electric vehicle charging points, a Travel Plan and other measures have been proposed or would be secured by condition, should planning permission be granted. A development which was entirely reliant on residents travelling by private car is unlikely to be considered sustainable. Drainage and flood risk minimisation measures will need to account for climate change. Given the surrounding range of uses, and the proximity of adjacent allocated sites, in accordance with Local Plan policy LP26 there is scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of pipework beneath footways) should be made.
- 10.12 Do Members have any comments in relation to sustainability and/or climate change at this stage?**

Masterplanning, urban design, landscape and archaeological impacts

- 10.13 Chapters 11, 12 and 16 of the NPPF, the new National Design Guide, and policies LP2, LP5, LP7, LP24 and LP35 are of particular relevance to this application in relation to design. Site allocation HS47 confirms that a masterplan is required for the site, and masterplanning is considered particularly necessary in this case given the size of the site, the scale of the proposed development, and the adjacent site allocation MXS7. Careful masterplanning can ensure efficient use of land, high quality placemaking and properly co-ordinated development, appropriate location of facilities and infrastructure, prevention of development sterilising adjacent land, appropriate phasing to limit amenity and highway impacts, and fair apportionment of obligations among the respective developers.
- 10.14 In some respects the site is relatively unconstrained, as there are no designated heritage assets within or immediately adjacent to the site, and the surrounding area does not exhibit a uniform character. This context gives the applicant some freedom to design a scheme that has a distinctive character of its own.
- 10.15 The site does, however, have some landscape sensitivities due to its topography, the fact that much of the site is visible from the southwest, and the site's location next to green belt land (in Wakefield borough) to the south. The water tower at Gawthorpe Reservoir is a local landmark visible from (and in longer views across) the site. There are also long, distant views of Castle Hill and Emley Moor mast available from the north part of the site.
- 10.16 With regard to the masterplanning requirements of site allocation HS47 and Local Plan policy LP5, the applicant team have engaged with the owners of the adjacent allocated site MXS7 (the Church Commissioners for England). Site access and road capacity considerations have informed the current proposals.
- 10.17 The proposed layout is generally considered acceptable. A perimeter block approach has been largely adopted, existing and proposed streets and new public spaces would be activated and overlooked, parking would not dominate streetscene in most parts of the site, and new open space is proposed in appropriate locations.
- 10.18 The proposed layout does, however, trigger some significant concerns. Regarding the proposed spine road, while it is appreciated that this important east-west route has been designed to include an adequate carriageway width, as well as cycle/footpaths and verges, the additional space on some sides of the road would result in excessive elevation-to-elevation distances (and inappropriate height-width ratios), such that parts of the road would be inadequately enclosed and defined. Of particular concern are the shared drives and landscaping in front of units 39 to 49 and units 70 to 79 which push these units far away from the elevations opposite – the applicant has been asked to move these buildings closer to the spine road, and for their blocks be provided with rear courtyard parking.

- 10.19 The definition of the spine road could be further improved with the inclusion of two- or three-storey blocks of flats at key locations, including the corners of the spine road and open spaces. The site's main entrance (at the new roundabout proposed at Owl Lane), which is also expected to serve as a key entrance to the adjacent site MXS7, could also be better defined and strengthened by greater massing around it (subject to topography).
- 10.20 Officers have queried whether thought has been given to running an estate road along the south edge of the site. The resultant dwelling-road-greenspace relationship could provide an appropriate new edge to the settlement and would enable complete perimeter blocks to be proposed. Dwellings could face out onto the adjacent green belt land (in Wakefield), and rear garden fences would not be exposed (which is potentially problematic in aesthetic and crime prevention terms).
- 10.21 Movement has been considered by the applicant team in the proposed layout, although the location of the proposed central open spaces could have been aligned with existing green spaces and footpaths immediately to the north of the site, to improve long views and wayfinding for pedestrians moving north-south.
- 10.22 Further consideration of the proposed layout, landscaping, street design and treatment of open spaces will be necessary in light of forthcoming comments from Highways Development Management officers and the council's Landscape Architect Manager. The proposed spine road will be further assessed with regard to swept path information, the potential for this road to carry bus traffic in the future, safety of pedestrians and cyclists, and Green Streets principles.
- 10.23 The proposed development would certainly change the character and appearance of the site and its surroundings, as the existing agricultural field would become a new urban extension to Shaw Cross and Chidswell. With appropriate layout and landscaping, this change in character is not considered problematic, and wider landscape impacts (including impacts upon the setting of the unlisted landmark water tower at Gawthorpe Reservoir) are not expected to be adverse, however further consideration of these matters will be necessary in light of forthcoming comments from the council's Landscape Architect Manager and Wakefield Council.
- 10.24 Flood routing is an important consideration in relation to layout, and the forthcoming comments of the Lead Local Flood Authority will inform further design discussions with the applicant.
- 10.25 Regarding crime and anti-social behaviour, the West Yorkshire Police Architectural Liaison Officer has raised concerns regarding the number of exposed rear and side garden boundaries, and potential for access to rear areas. Amendments will be requested to address these concerns, and to minimise public access to vulnerable parts of the proposed development.
- 10.26 Page 49 of the applicant's Design and Access Statement refers to inclusive design and Part M of the Building Regulations, however no mention of dementia-friendly design is made. More variety in typologies, including blocks of flats at key locations, could help create a more navigable neighbourhood, which is particularly important for people with cognitive impairments. All dwellings would have ground floor WCs, however none would have ground

floor bedrooms (although some of the larger units would have habitable rooms at ground floor level that could be converted to bedrooms). The inclusion of flats in an amended scheme could increase accommodation options for people with disabilities and older family members.

- 10.27 To ensure efficient use of land Local Plan policy LP7 requires developments to achieve a net density of at least 35 dwellings per hectare, where appropriate, and having regard to the character of the area and the design of the scheme. Lower densities will only be acceptable if it is demonstrated that this is necessary to ensure the development is compatible with its surroundings, development viability would be compromised, or to secure particular house types to meet local housing needs.
- 10.28 With 252 units proposed in a site of 7.98 hectares, a density of 32 units per hectare would be achieved. This falls short of the requirement of policy LP7, and as noted at paragraph 10.5 of this Position Statement there is scope to increase the quanta of development proposed.
- 10.29 Dwellings would be detached, semi-detached, or provided in short terraces. Twelve house types are proposed. All would be two storeys in height.
- 10.30 The proposed material includes red and buff brick, artificial stone, and grey and red roof tiles. These are considered to be appropriate materials for this location, however further details and samples of materials would need to be submitted at conditions stage, should planning permission be granted for the development.
- 10.31 Boundary treatments would include brick walls, railings and timber fencing. An Enclosures Plan (drawing 1820-SI-02 rev B) illustrates the proposed locations of the various boundary treatments. The applicant has given consideration to the aesthetic impacts of the various boundary treatments – 1.8m timber fencing is largely confined to rear gardens, for example. Further consideration and amendments relating to boundary treatments will be necessary in light of the required amendments to unit numbers and typologies detailed earlier in this Position Statement.
- 10.32 Regarding the site's potential archaeological interest, NPPF chapter 16 and Local Plan policy LP35 are relevant. The applicant's Planning Statement asserts that the "Phase 2 Geo-Environmental Report and Minerals Statement provides evidence that the development proposals will not have any impact on known archaeology at the site", however archaeology is not addressed in either the submitted Phase II Geo-Environmental Report or the applicant's Minerals Statement, and the pre-determination archaeological evaluation (required by site allocation HS47) has not been submitted. The comments of the West Yorkshire Archaeological Advisory Service are awaited, however WYAAS are expected to confirm officers' view that archaeological impacts have not been adequately addressed by the applicant.
- 10.33 In light of the above assessment, it is considered that several relevant requirements of the above-listed planning policies would not be fully complied with, however there is scope for amendment during the life of the current application to address these concerns.
- 10.34 Do Members have any comments in relation to masterplanning, urban design, landscape and/or archaeological impacts at this stage?**

Infrastructure requirements and delivery

- 10.35 Site allocation HS47 and Local Plan policy LP4 require the provision of necessary infrastructure to support the proposed development. Work is being carried out by the council (in consultation with Highways England and adjacent local authorities) to ascertain what highway network improvements are needed to support the various developments being brought forward in Chidswell and the surrounding areas, and the Church Commissioners for England are also carrying out work in order to ascertain the infrastructure requirements of the adjacent MXS7 site. These requirements, including those that are necessitated by cumulative impacts, are likely to be significant.
- 10.36 It is likely that responsibilities for addressing these requirements will need to be apportioned between the various developers of sites in Chidswell and the surrounding area.
- 10.37 The need for highway and transport improvements are considered later in this Position Statement. At pre-application stage Cllr Lukic suggested that a cycle path connection between the site and the Shaw Cross junction would be appropriate.
- 10.38 Regarding the social infrastructure currently provided and available in Shaw Cross and Chidswell (which is relevant to the sustainability of the proposed development), it is noted that local GP provision has been raised as a concern in many representations made by local residents. Although health impacts are a material consideration relevant to planning, there is no policy or supplementary planning guidance 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. Shaw Cross and Chidswell currently have a small number of shops, pubs and other facilities, such that at least some of the daily, social and community needs of residents of the proposed development can be met locally, which further indicates that residential development at this site can be regarded as sustainable.
- 10.39 Infrastructure matters are considered in more detail later in this Position Statement.
- 10.40 Do Members have any comments in relation to infrastructure requirements and delivery at this stage?**

Residential amenity and quality

- 10.41 Local Plan policy LP24 requires developments to provide a high standard of amenity for future and neighbouring occupiers, including by maintaining appropriate distances between buildings.

- 10.42 Separation distances between the proposed dwellings and existing properties on the north side of Windsor Road would be adequate to ensure no unacceptable loss of natural light, privacy or outlook would occur. The amenities of Chidswell Farm, The Huntsman PH, Boundary End Cottage and other properties on Chidswell Lane would not be unacceptably affected, due to the distances proposed between existing and proposed elevations, and the proposed locations of new windows. The design and locations of boundary treatments and landscaping would need careful consideration at conditions stage (should planning permission be granted) to ensure no significant loss of amenity occurs to neighbouring residents.
- 10.43 In terms of noise, although residential development would increase activity and movements to and from the site, given the quantum of development proposed, and the number and locations of new vehicular and pedestrian entrances that new residents would use to access the site, it is not considered that neighbouring residents would be significantly impacted. The proposed residential use is not inherently problematic in terms of noise, and is not considered incompatible with existing surrounding uses.
- 10.44 Should planning permission be approved for the proposed development, a condition requiring the submission and approval of a Construction Management Plan (CMP) would be necessary. The subsequent conditions-stage submission would need to sufficiently address the potential amenity impacts of construction work at this site, including cumulative amenity impacts should other nearby sites be developed at the same time. Details of temporary drainage arrangements would need to be included in the CMP.
- 10.45 The quality of the proposed residential accommodation is also a material planning consideration.
- 10.46 Although the Government's Nationally Described Space Standards (March 2015) are not adopted planning policy in Kirklees, they provide useful guidance which applicants are encouraged to meet and exceed. At pre-application stage, officers expressed concern that not all of the proposed dwellings would meet the minimum unit size figures set out in this guidance. At application stage, unit size figures have been set out on drawing 1820-SI-05 (Housetype Coded Layout) – this confirms that, for example, the applicant is proposing 47 units that are 614sqft (57sqm) in size, and that are two-bedroom, four-person, two-storey dwellings. Of these 47 units, 15 would be affordable. The Government advise that 79sqm should be provided for such units, and the proposed shortfall is considered to be significant and unacceptable.
- 10.47 All of the proposed residential units would be dual aspect (except for the "Alverton" house type, of which only three units are proposed). All units would have adequate privacy, outlook and access to natural light. Some units (such as units 140 and 234) would be provided with small outdoor amenity spaces, however the overall proposed provision is considered acceptable.
- 10.48 The provision of two central areas of open space, either side of the spine road, is welcomed. Splitting the development's main on-site provision in this way would mean children, people with disabilities, and older people would not necessarily need to cross the spine road in order to access an open space. Other open spaces are proposed in appropriate locations. Further consideration of the proposed open space will be necessary in light of the forthcoming comments of the council's Landscape Architect Manager with

regard to Local Plan policy LP63 and the six open space typologies normally assessed in relation to residential developments. A financial contribution towards off-site provision may be necessary should there be a shortfall in any of the assessed typologies.

10.49 Do Members have any comments in relation to residential amenity and/or quality at this stage?

Affordable housing

- 10.50 Local Plan policy LP11 requires 20% of units in market housing sites to be affordable. A 55% social or affordable rent / 45% intermediate tenure split would be required, although this can be flexible. Given the need to integrate affordable housing within developments, and to ensure dwellings of different tenures are not visually distinguishable from each other, affordable housing would need to be appropriately designed and pepper-potted around the proposed development.
- 10.51 50 affordable units are proposed. This represents a 19.8% provision, falling slightly short of the 20% required by policy LP11. The applicant will be expected to provide 51 units to meet the policy requirement (20.2% provision would be achieved).
- 10.52 Within this affordable housing provision, 25x two-bedroom and 25x three-bedroom units are proposed. In the Dewsbury and Mirfield Sub-Area there is a significant need for affordable three-bedroom (and larger) properties, as well as for one- and two-bedroom homes. With the amendments to typologies detailed at paragraph 10.5 of this Position Statement, and the inclusion of flats, there is scope for this development to include a wider range of affordable unit sizes, including one-bedroom homes, which would help meet known need as set out in the 2016 Strategic Housing Market Assessment.
- 10.53 No information has been provided regarding the tenure of the affordable units. A 55% social or affordable rent / 45% intermediate tenure split will be required.
- 10.54 Affordable units would be pepper-potted around the site (albeit in groups of four, nine, 18 and 19 units) and indistinguishable from private units – at page 48 of the submitted Design and Access Statement the applicant states that “The affordable dwellings will be indistinguishable from the open market units by having the same appearance and finish, and being built from the same materials as the market plots”.
- 10.55 Do Members have any comments in relation to affordable housing at this stage?**

Highways and transport

- 10.56 Local Plan policy LP21 requires development proposals to demonstrate that they can accommodate sustainable modes of transport, and can be accessed effectively and safely by all users. The policy also states that new development will normally be permitted where safe and suitable access to the site can be achieved for all people, and where the residual cumulative impacts of development are not severe.

- 10.57 Paragraph 108 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 109 adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 10.58 Existing highway conditions must be noted. Owl Lane forms the site's west edge, and has footways on both sides of the carriageway, double yellow lines, bus stops, a 40mph speed restriction (reducing to 30mph north of the site's northeast corner) and access points to the Dewsbury Rams ground and the relatively recent Amberwood Chase residential development. To the north, part of Windsor Road also has double yellow lines, as well as speed humps and bus stops. Chidswell Lane has signage indicating it is unsuitable for heavy goods vehicles, has a substandard footway on the west side of its carriageway, and lacks central white line markings for much of its length outside the site. The site itself has no dropped kerbs on Owl Lane or Windsor Road, and there is a single, gated vehicular access on Chidswell Lane opposite Chidswell Farm. The nearest cycle lanes (or painted markings for cyclists) are on Leeds Road and Challenge Way. No public rights of way cross the site.
- 10.59 Site allocation HS47 requires the proposed development to provide access to the adjacent site MXS7, the provision of a roundabout on Owl Lane, and a no-right-turn restriction onto Chidswell Lane. It adds that additional mitigation on the wider highway network will be required, noting that development of this site has the potential for a significant impact on the Strategic Road Network and that measures will be required to reduce and mitigate that impact. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, the proposed development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes.
- 10.60 The proposed development indeed includes the provision of a new roundabout on Owl Lane, connecting a new east-west spine road with the eastern edge of the site (where it meets Chidswell Lane). No vehicular connection to Chidswell Lane is proposed at this stage – such a connection would be provided as and when the adjacent site MXS7 is developed.
- 10.61 For a 275-unit residential development at the site, the applicant's Transport Assessment predicts 190 vehicular movements in the a.m. peak (42 arrivals and 148 departures) and 181 in the p.m. peak (110 arrivals and 71 departures). Taking into account traffic growth projections up to the year 2030, and trips likely to be generated by development at the adjacent site MXS7, the applicant has concluded that the new roundabout, the Leeds Road / Chidswell Lane junction, and the Owl Lane / Windsor Road junction would operate within capacity. The Leeds Road / Challenge Way / Owl Lane junction is predicted by the applicant to reach overcapacity with or without the proposed development, and the applicant concludes that the addition of a small amount of development traffic would not create a material or significant difference to the without-development scenario. Impacts are also predicted at the Owl Lane / John Ormesby VC Way / Churwell Vale junction and the Owl Lane / A638 / Leeds

Road / Chancery Road junction. In conclusion, the applicant asserts that the proposed development can be accommodated on the adjacent highway network without any significant negative impact, and that there are no highway capacity reasons why planning permission should not be granted.

- 10.62 The above conclusions, and the applicant's methodology and findings, are currently being reviewed by officers. Consideration is also being given (or will be given, in light of outstanding consultee responses) to cumulative impacts (including in relation to developments in Wakefield borough), advice from Highways England regarding impacts in the wider area, and the impacts of planned improvements such as the Mirfield to Dewsbury to Leeds (M2D2L) scheme. As set out in the site allocation, and notwithstanding the applicant's conclusions regarding local road and junction capacity, contributions to additional mitigation on the wider highway network will be required.
- 10.63 The applicant has given due consideration to masterplanning and access to the adjacent site MXS7, although discussions are ongoing regarding the design and capacity of the Owl Lane roundabout and the proposed spine road, both of which would eventually carry significant volumes of traffic (and possibly buses) into the adjacent site. Consideration is being given to the need for a no-right-turn restriction into Chidswell Lane when development is brought forward at the adjacent site, having regard to the need to direct shortcutting drivers away from unsuitable roads such as Chidswell Lane.
- 10.64 551 car parking spaces (527 for residents and 29 for visitors) are proposed.
- 10.65 Storage space for bicycles, and waste storage for three bins per dwelling, are required.
- 10.66 A draft Travel Plan has been submitted. This sets out measures intended to encourage the use of sustainable modes of transport. Should planning permission be granted, a Section 106 planning obligation is likely to be necessary to ensure this (or an acceptable amended) Travel Plan is implemented. A Travel Plan monitoring fee may also be necessary.
- 10.67 A financial contribution towards Metro cards for residents, and/or other measures to be secured via a Section 106 agreement, may also be necessary.
- 10.68 Although the application has been advertised as a development affecting a public right of way, no such routes cross the site. On the opposite side (from the site) of Chidswell Lane, public footpath DEW/146/10 extends from the carriageway, through the pub garden of The Huntsman, towards the Kirklees/Wakefield borough boundary and beyond to Gawthorpe. This public right of way would not be affected by the proposed development, except in respect of potential increased use. There is potential for pedestrian movement across Windsor Road (the need for formal crossings is currently being considered by officers), and through the streets of the proposed development in accordance with Local Plan policies LP20, LP24dii and LP47e.
- 10.69 Do Members have any comments in relation to highways and transport at this stage?**

Flood risk and drainage

- 10.70 The site is within Flood Zone 1, however there is some risk of surface water flooding at the lowest (southernmost) corner of the site. A watercourse runs along the site's southern boundary, and then continues southwards towards Chickenley. No water bodies exist on the site. There are Yorkshire Water sewers beneath Owl Lane and Windsor Road.
- 10.71 The applicant's Foul and Surface Water Drainage Strategy submitted. This proposes the disposal of foul water to the sewer beneath Owl Lane (to which Yorkshire Water have not objected). Regarding surface water, the applicant notes that soakaways are not appropriate for this site. Surface water would instead discharge to the existing watercourse to the south of the site, via an attenuation tank located at the site's lowest (southernmost) corner.
- 10.72 The comments of the Lead Local Flood Authority will be included in the committee update.
- 10.73 Do Members have any comments in relation to flood risk and drainage at this stage?**

Public and environmental health

- 10.74 Regarding noise, the applicant's proposed methodology for noise assessment is largely satisfactory, however it will need to take into account the additional matches proposed at the Dewsbury Rams ground. If the assessment determines that unacceptable indoor or outdoor levels are predicted then a detailed specification would be required for any necessary noise mitigation measures. If windows would need to be kept closed to achieve satisfactory indoor sound levels then the mitigation measures will need to include detailed information relating to the provision of alternative ventilation to the rooms affected in this way. The alternative ventilation would need to be more than standard background ventilation and would need to be sufficient to replace ventilation that would otherwise be provided by openable windows. Because parts of the proposed development are near to potential significant noise sources including a busy highway and the rugby stadium, a condition requiring a noise assessment of the impact of nearby noise sources on the future development will be necessary, should planning permission be granted.
- 10.75 The applicant's proposed dust and emission measures for the development's construction phase are satisfactory – these will need to be conditioned. Electric vehicle charging points will be required by condition, should planning permission be granted.
- 10.76 Environmental Health officers intend to provide further comments on the ongoing impact of the development on local air quality.
- 10.77 The proposed residential use is unlikely to be a significant source of odour affecting adjacent residential properties.
- 10.78 The applicant is yet to submit a Health Impact Assessment. The council's Public Health team will provide comments once this is received.
- 10.79 Do Members have any comments in relation to public health and/or environmental health at this stage?**

Site contamination and stability

- 10.80 Site allocation HS47 states that the site is potentially contaminated. Environmental Health officers have advised that the applicant's Preliminary Risk Assessment is an adequate phase 1 report. The applicant's phase 2 report is largely satisfactory, however it does not consider the potential combustibility of the site's soils which contain coal gravel. A revised report or addendum is therefore required – this should include an assessment of the potential combustibility of the soils at different parts of the site so that a future remediation strategy can, if necessary, include remediation measures to address any combustibility issue. Conditions regarding contaminated land would also be necessary, should planning permission be granted.
- 10.81 Part of the site is within a Development High Risk Area as defined by the Coal Authority. The Coal Authority have not objected to the proposed development, and have advised that an adequate assessment of the site's coal mining risks has been undertaken. Conditions relating to the site's coal mining legacy would be necessary, should planning permission be granted.
- 10.82 Do Members have any comments in relation to site contamination and/or site stability at this stage?**

Trees, landscaping and biodiversity

- 10.83 Although the site is not within a Wildlife Habitat Network, this designation includes a small area woodland to the east of the site on the other side of Chidswell Lane, and trees outside the Dewsbury Rams ground.
- 10.84 The site is within a Biodiversity Opportunity Zone (Pennine Foothills), however it is in relatively intensive agricultural use and its potential for supporting protected species is limited. The site is, however, surrounded by hedgerows, which offer habitat potential, and which should be retained wherever possible. Any loss of perimeter hedgerow will need to be compensated for, and the planted buffer required by site allocation HS47 at the southern boundary could include gap planting. Amended drawings illustrating such planting will need to be submitted.
- 10.85 In addition, a net biodiversity gain needs to be demonstrated in accordance with Local Plan policy LP30 and chapter 15 of the NPPF. Such a gain has not yet been demonstrated. Net gain is measurable, and the degree of change in biodiversity value can be quantified using a biodiversity metric such as the revised DEFRA metric or the Warwickshire metric. In order to address the above, the proposed development will need to be supported by landscaping information and a calculation of change in biodiversity value using an appropriate metric.
- 10.86 No significant trees exist on the site, and no trees immediately adjacent to the site (within Kirklees) are protected by Tree Preservation Orders. Development of the site presents an opportunity to increase tree coverage in this part of Kirklees.
- 10.87 Do Members have any comments in relation to trees, landscaping and/or biodiversity considerations at this stage?**

Representations

- 10.88 To date, 192 representations have been received in response to the council's consultation. The issues raised have been addressed in this Position Statement.
- 10.89 The Chidswell Action Group have provided interim comments, and intend to submit a more detailed objection prior to the committee meeting.
- 10.90 Do Members have any comments in relation to representations at this stage?**

Planning obligations

- 10.91 Planning obligations, that would need to be secured via a Section 106 agreement, would be necessary to mitigate the impacts of the proposed development, should approval of planning permission be recommended and granted. Section 106 heads of terms have not been proposed by officers at this stage, but – subject to outstanding responses from consultees – would need to include provisions regarding:
- Affordable housing – 20% provision.
 - Open space.
 - Education – £622,710 contribution required.
 - Highway works and improvements.
 - Sustainable transport (including Travel Plan implementation and monitoring).
 - Drainage.
 - Management of open spaces, landscaping etc.
 - Decentralised energy (provision for future connection).
- 10.92 The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant threshold (housing developments which would deliver 60 dwellings or more), officers have asked the applicant to agree to provide a training or apprenticeship programme to improve skills and education. Such agreements are currently not being secured through Section 106 agreements – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. For this application, the applicant has confirmed that any developer partner would be expected to maximise opportunities for apprenticeships, the employment of long-term jobseekers, and training. Officers have suggested that an Employment and Skills Agreement be entered into.
- 10.93 Do Members have any comments in relation to planning obligations at this stage?**

Other matters

- 10.94 Given the council's consultation (detailed above), the number of responses received, the work of Members in their respective wards, and extensive recent press coverage, officers are of the view that there is good public knowledge of the proposed development and the current planning application. Should the proposals be significantly amended by the applicant, it is likely that reconsultation will be necessary.

10.95 The applicant's motives for submitting a planning application are not material planning considerations.

10.96 Are there any comments that Members wish to make in relation to other matters relevant to planning at this stage?

11.0 CONCLUSION

11.1 Members are asked to note the contents of this Position Statement. Members' comments in response to the questions listed above (and recapped below) would help and inform ongoing consideration of the application, and discussions between officers and the applicant.

- 1) Do Members have any comments in relation to land use, the principle of development and/or quantum?
- 2) Do Members have any comments in relation to sustainability and/or climate change?
- 3) Do Members have any comments in relation to masterplanning, urban design, landscape and/or archaeological impacts?
- 4) Do Members have any comments in relation to infrastructure requirements and/or delivery?
- 5) Do Members have any comments in relation to residential amenity and/or quality?
- 6) Do Members have any comments in relation to affordable housing?
- 7) Do Members have any comments in relation to highways and/or transport?
- 8) Do Members have any comments in relation to flood risk and/or drainage?
- 9) Do Members have any comments in relation to public health and/or environmental health?
- 10) Do Members have any comments in relation to site contamination and/or site stability?
- 11) Do Members have any comments in relation to trees, landscaping and/or biodiversity?
- 12) Do Members have any comments in relation to representations?
- 13) Do Members have any comments in relation to planning obligations?
- 14) Are there any comments that Members wish to make in relation to other matters relevant to planning?

Background Papers:

Application and history files.

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

Certificate of Ownership – Certificate B signed