
Report of the Head of Planning and Development

STRATEGIC PLANNING COMMITTEE

Date: 06-Oct-2022

Subject: Planning Application 2020/92331 Outline planning application for demolition of existing dwellings and development of phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), residential institution (C2) development (up to 1 hectare), a local centre (comprising A1/A2/A3/A4/A5/D1 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury

APPLICANT
C C Projects

DATE VALID
21-Jul-2020

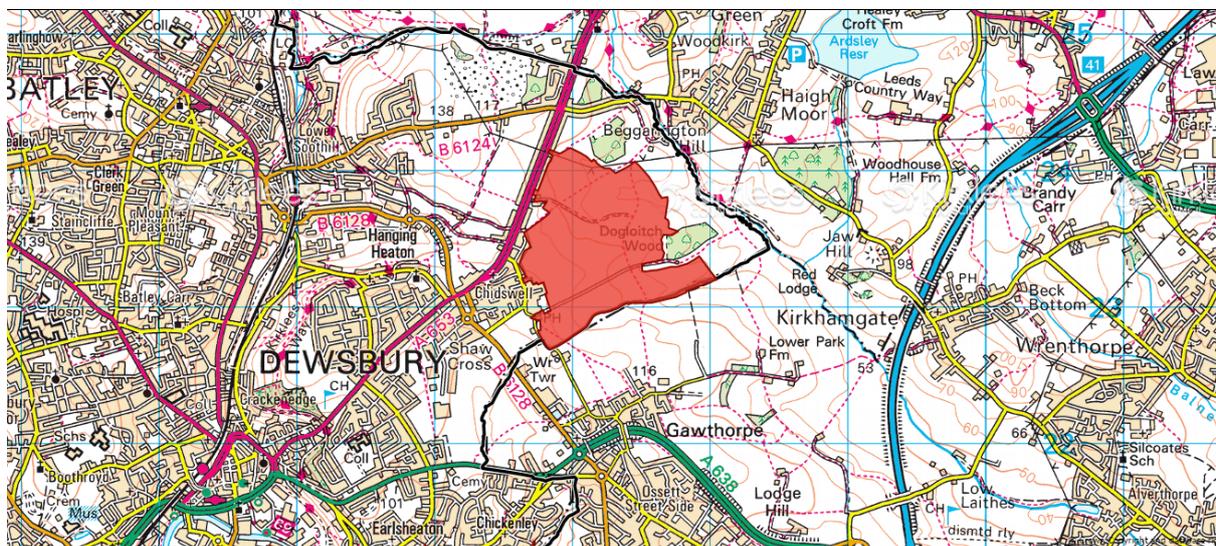
TARGET DATE
20-Oct-2020

EXTENSION EXPIRY DATE
08-Jan-2021

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[Public speaking at committee link](#)

LOCATION PLAN



Map not to scale – for identification purposes only

Electoral wards affected: Batley East and Dewsbury East

Ward Councillors consulted: Yes

Public or private: Public

RECOMMENDATION

Members to note the contents of this report for information.

1.0 INTRODUCTION

- 1.1 This application is presented to the Strategic Planning Committee as the proposals are for a major mixed-use development, including more than 60 residential 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 full assessment of the proposals or formal recommendations 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.
- 1.4 This position statement relates to an application for outline planning permission (ref: 2020/92331) and accompanies another outline application (ref: 2020/92350) relating to adjacent land. Both applications were submitted by the same applicant, and both relate to allocated site MXS7.
- 1.5 A position statement relating to these proposals was considered by the Strategic Planning Committee on 11/07/2019, at pre-application stage (refs: 2018/20078 and 2018/20077). A further position statement relating to the two planning applications was considered by the committee on 17/11/2020.

2.0 PROPOSALS

- 2.1 The proposals remain largely unchanged since 17/11/2020. Under this application (which relates to the larger (Leeds Road) part of the allocated site), the applicant proposes the demolition of existing dwellings, and the development of a phased, mixed use scheme comprising:
 - Residential development (up to 1,354 dwellings);
 - Employment development (up to 35 hectares of B1(part a and c), B2, B8 uses);

- Residential institution (C2) development (up to 1 hectare);
- A local centre (comprising A1/A2/A3/A4/A5/D1 uses);
- A two form entry primary school including early years provision; and
- Green space, access and other associated infrastructure.

- 2.2 D2 use is no longer proposed among the local centre uses.
- 2.3 The proposed employment element would provide up to 122,500sqm of floorspace in an area along the site's east-west depression between one of the site's Leeds Road vehicular entrances and Dogloitch Wood.
- 2.4 Most of the dwellings, and the school and local centre, would be to the south of the employment area.
- 2.5 The proposed development would be laid out around two new, primary roads:
- A spine road (serving most of the dwellings, the school and local centre) running through the site between new vehicular entrances on Leeds Road and Chidswell Lane; and
 - A spine road (serving the employment uses) forming a long loop accessed from the site's existing vehicular site entrance on Leeds Road.
- 2.6 A short road connecting these primary roads, but preventing HGV movements into the main residential area, is also proposed.
- 2.7 Four vehicular entrances are proposed at:
- Chidswell Lane (spine road) – This would involve the demolition of buildings at Chidswell Farm, and would enable the continuation of the spine road between Owl Lane and the MXS7 site (approved under application ref: 2019/92787).
 - Chidswell Lane – This would involve the demolition of 97 Chidswell Lane.
 - Leeds Road (spine road) – This would involve the demolition of two pairs of semi-detached dwellings at 1010, 1012, 1014 and 1062 Leeds Road.
 - Leeds Road (employment) – At an existing field entrance where public footpath BAT/49/10 meets Leeds Road, and beneath existing overhead electricity cables. This would involve the demolition of 1062 Leeds Road.
- 2.8 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.
- 2.9 The proposed development includes public open space, a multi-use games area, playspaces, allotment gardens, drainage swales and ponds, treeplanting and soft landscaped areas (indicatively shown).
- 2.10 Access is the only matter not reserved.

2.11 The applicant has submitted parameter plans relating to:

- Developable area and use;
- Maximum building heights;
- Access;
- Blue infrastructure; and
- Green infrastructure.

2.12 Development proposed under application ref: 2020/92350 is described in the accompanying position statement.

3.0 UPDATES SINCE 17/11/2020

3.1 This position statement updates Members in relation to the following key considerations:

- Planning policy and guidance
- Representations
- Consultation responses
- Applicant's amendments and further information
- Phasing and delivery
- Highways and transport
- Sustainability and climate change
- Biodiversity and ancient woodlands
- Section 106 and viability matters
- Other planning matters

3.2 This position statement does not repeat all of the assessment set out in the previous position statement and committee update which can be viewed online at:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92331&file_reference=837729

and:

https://www.kirklees.gov.uk/beta/planning-applications/search-for-planning-applications/filedownload.aspx?application_number=2020/92331&file_reference=838921.

3.3 Instead, this position statement responds to queries raised by Members on 17/11/2020, details further submissions made by the applicant since that date, details further responses from consultees, and provides new assessment related to those matters and submissions. The officer presentation on 06/10/2022 will include further illustrative information.

3.4 The application site's characteristics have not materially changed since 17/11/2020.

3.5 The application site's context has materially changed since 17/11/2020, in the following respects:

- Gawthorpe Water Tower was added to the statutory list by Historic England on 04/12/2020. The tower is now a Grade II listed building.
- The Huntsman Inn on Chidswell Lane (adjacent to one of the proposed site entrances) has closed.
- Development has commenced at land between Owl Lane and Chidswell Lane (allocated site HS47) to the southwest where full planning permission for a development of 260 dwellings was granted on 24/06/2021 under application ref: 2019/92787.
- Initial works have commenced at the east corner of the Shaw Cross junction following the approval at appeal (on 22/03/2022) of full planning permission for a restaurant (refs: 2020/90450 and APP/Z4718/W/21/3285518).
- Development has commenced at land between High Street and Challenge Way (allocated site HS51) where full planning permission for a development of 55 dwellings was granted on 27/01/2022 under application ref: 2021/91871.
- Development has commenced at land off Soothill Lane (allocated site HS72) where Reserved Matters approval has been issued in relation to a development of 319 dwellings under application ref: 2021/91731.
- Planning permission for the erection of two dwellings within the grounds of the former Huntsman Inn was granted on 14/12/2020 under application ref: 2020/91451.

3.6 Regarding highways and transport, the council is progressing a major junction improvement scheme at the Leeds Road / Challenge Way / John Ormesby VC Way junction (the Shaw Cross junction). Work has commenced on the Transpennine Route Upgrade, which is intended to deliver faster, more frequent and more reliable services along the route that serves Dewsbury and Batley stations (the two stations nearest to the site). New and improved routes for pedestrians and cyclists have been secured under permission ref: 2019/92787.

3.7 A hybrid planning application submitted to Leeds City Council in December 2020 is of relevance to some of the highways and transport matters considered in this position statement. That application (ref: 20/08521/OT) relates to an employment-use (use classes B2 and B8 with ancillary office) development at land at Capitol Park, Topcliffe Lane, Morley. That scheme has capacity implications for junction 28 of the M62. On 14/07/2022 Leeds City Council's City Plans Panel resolved to approve the application.

4.0 PLANNING POLICY AND GUIDANCE

4.1 The following relevant planning policy and guidance documents were adopted or published after 17/11/2020:

- National Planning Policy Framework (revised July 2021)
- National Model Design Code (2021)
- Housebuilders Design Guide SPD (2021)
- Open Space SPD (2021)
- Planning Applications Climate Change Guidance (2021)

- Biodiversity Net Gain Technical Advice Note (2021)
- Kirklees First Homes Position Statement (2021)
- Biodiversity Metric 3.0 (2021)

4.2 On 20/09/2022 the council commenced consultation on a draft Affordable Housing and Housing Mix SPD.

4.3 The Environment Act 2021 passed into UK law on 09/11/2021.

4.4 The following guidance documents are also considered relevant:

- Waste Management Design Guide for New Developments (2020, updated 2021)
- Cycle Infrastructure Design – Local Transport Note 1/20 (2020)
- Securing developer contributions for education (2019)

5.0 REPRESENTATIONS

5.1 Details of representations received from local residents were provided in the previous position statement.

5.2 Five further representations were received after 17/11/2020, all from the Chidswell Action Group, as follows:

- Letter dated 29/04/2021 from solicitors representing the Chidswell Action Group raising concerns regarding Environmental Impact Assessment, climate change, non-residential uses and affordable housing.
- Document titled “Chidswell Heybeck Climate Challenge” dated 06/03/2022.
- Emails dated 04/06/2022, 19/06/2022 and 25/07/2022 regarding biodiversity.

6.0 CONSULTATION RESPONSES

6.1 The following consultee responses were received after 17/11/2020:

6.2 Statutory

6.3 Historic England – No comment. Views of the council’s specialist conservation and archaeological advisers should be sought.

6.4 National Highways (formerly Highways England) – Holding objection renewed. Application should not be approved until the Stage 1 Road Safety Audit (relating to the M62 junction 28 mitigation scheme) has been satisfactorily completed. The mitigation scheme could then be secured. Regarding M1 junction 40 a maximum mitigation scheme has undergone a redesign, and potential departures (from the Design Manual for Roads and Bridges standard) will need to be agreed with Wakefield Council. A Stage 1 Road Safety Audit would then be required. A monitoring strategy (requiring agreement between National Highways, Wakefield Council and the applicant) would also be required.

6.5 Non-statutory

- 6.6 KC Conservation and Design – The proposed development would cause minimal (less than substantial) harm to the settings of St Paul’s Church, Gawthorpe Water Tower and Haigh Hall. The settings of other designated heritage assets would not be harmed. Advice provided regarding design and layout. At Reserved Matters stage, further understanding of the local vernacular should be demonstrated and reflected in the design of the development and opportunities should be taken to create views and vistas of Lees House Farm (undesignated) and Gawthorpe Water Tower (Grade II listed).
- 6.7 KC Ecology – Applicant’s Ecological Design Strategy outlines important themes and concepts to be incorporated into the development, but fails to address key concerns. No woodland management plan is mentioned. No planting has been specified between the proposed development and ancient woodlands. Submission fails to provide for farmland birds – compensation should focus on providing habitat for skylark and yellowhammer, such as incorporating skylark plots. Phasing would need to accommodate biodiversity considerations. Further information required regarding important hedgerows. Biodiversity metric calculations haven’t been revised, and the required 10% net gain has not been demonstrated. Proposed development is not compliant with Local Plan policy LP30 or the NPPF.
- 6.8 KC Education – Secondary school contribution of £2,257,029 required.
- 6.9 KC Highways Development Management – Advice provided throughout discussions.
- 6.10 KC Planning Policy – Deletion of D2 use noted. An impact assessment would not be required if specified D1 uses (museums and exhibition halls) were to be deleted from the proposals – this could be conditioned. Revised submission refers to Ossett Town Centre, where no available or suitable development sites have been identified that could accommodate the proposed new local centre. The sequential test has therefore been passed.
- 6.11 Forestry Commission – Ancient woodlands at Dum Wood and Dogloitch Wood could potentially be impacted by the proposed development. Impacts should be minimised in accordance with the Standing Advice for Ancient Woodland. Proposed 20m ancient woodland buffer zone noted. Tree Preservation Orders should be considered as part of the decision-making process. Advice provided regarding Government guidance, buffering, climate change and resilience, woodland management, Environmental Impact Assessment and felling.
- 6.12 Wakefield Council – Local highway network within Wakefield may be impacted, and mitigation may be needed. Left turns from spine road into Chidswell Lane should not be allowed. Agree that closure of section of Chidswell Lane north of spine road would make movement from Leeds Road to Gawthorpe less attractive. Concept of a spine road through the site is accepted. A condition should require compliance with the submitted masterplan at Reserved Matters stage. High quality boundary treatment required along the site’s southern edge (which is also the green belt and borough boundary). Proposed green strip and retention of trees and hedgerows are supported.

- 6.13 West Yorkshire Archaeology Advisory Service – Applicant’s submission is helpful in forming an opinion of the site’s archaeological potential (regarding field systems, trackways and farmstead enclosures from the later prehistoric period and Romano-British period, and later mining). The heritage assessment therefore establishes that there is currently up to regionally significant archaeologically significant remains within the site. Should outline permission be granted, further archaeological evaluation, to determine the reliability of the surveys and complexity of the remains, should be carried out prior to determining any Reserved Matters applications. A programme of archaeological mitigation can then be developed to preserve significant remains by record. Condition recommended.
- 6.14 West Yorkshire Combined Authority – Support principle of mixed-use development. Submission includes contradictory information regarding existing public transport provision. Parts of the development would be more than 400m away from existing bus services, and provision to enable buses to move through the site is supported. Bus access to employment element should also be considered. Bus stop locations should be clarified, and laybys considered. Applicant should engage with bus operators. Advice provided regarding possible diversion of existing bus services. Appropriate bus service provision may require a £300,000 per annum contribution. Provision of discounted Metro Cards would be supported, however their use would be limited unless a bus service penetrated the development. Bus priority measures on Leeds Road may be appropriate.
- 6.15 Yorkshire Wildlife Trust – Applicant’s Ecological Design Strategy does not address concerns regarding ancient woodland and local wildlife sites. Areas of greenspace and sustainable drainage solutions should deliver multifunctional benefits. Biodiversity metric should demonstrate net gain, and should be updated with each phase at Reserved Matters stage. Breeding birds have not been appropriately considered. Ground nesting birds were identified on site and require bespoke mitigation such as skylark plots. As no wintering bird surveys have been undertaken at this time, a precautionary approach to the impacts of the loss of wintering and breeding bird habitat should be taken with regards to development design. Open habitats along watercourses should be proposed.

7.0 APPLICANT’S AMENDMENTS AND FURTHER INFORMATION

- 7.1 Since 17/11/2020, the applicant has provided further information, including in relation to:
- Phasing and delivery;
 - Section 106 and viability matters;
 - Highway impacts and mitigation, including in relation to M62 junction 28, M1 junction 40, Shaw Cross junction and other junctions within Kirklees;
 - Local centre uses (D2 use no longer proposed, and Planning Statement amended, with a revised sequential assessment included);
 - Gawthorpe Water Tower (Archaeology and Historic Environment Addendum submitted);
 - Biodiversity (Ecological Design Strategy submitted); and
 - A response to comments made by the Chidswell Action Group.

8.0 PHASING AND DELIVERY

8.1 The applicant's phasing plan remains unchanged and indicative. Recent discussions regarding Section 106 matters, however, have necessitated further consideration of how development would be brought forward at the allocated site, and the applicant has provided more information regarding a possible delivery chronology, as follows:

- Employment element – Likely to be delivered early in the programme, due to high demand for new employment floorspace.
- Heybeck Lane development – Likely to be delivered early in the programme, due to this phase being less reliant on key infrastructure proposed elsewhere within the allocated site. Approximately 181 dwellings. Proposed under application ref: 2020/92350.
- Phase 1a – 457 dwellings between Chidswell Lane and the new spine road.
- Phase 1b – Primary school, local centre and allotments.
- Phase 2 – 240 dwellings immediately east of the new spine road.
- Phase 3 – 277 dwellings in the furthest east phase, south of Dogloitch Wood.
- Phase 4 – 173 dwellings between the new spine road phase 3.
- Phase 5 – 207 dwellings in the furthest south phase, close to Chidswell Lane.

8.2 To inform discussions regard the point at which the new primary school would need to be provided, the applicant has provided the following indicative information regarding housing delivery:

Year	Dwellings delivered (cumulative)
2025	27
2026	99
2027	171
2028	243
2029	315
2030	387
2031	459
2032	531
2033	603
2034	675
2035	747
2036	819
2037	891
2038	963
2039	1,035
2040	1,107
2041	1,179
2042	1,251
2043	1,323
2044	1,395
2045	1,535

- 8.3 The above programme is, however, dependent upon several factors, including whether outline permission is granted and Reserved Matters approvals are issued (and the timing of any such approvals), and the interest and actions of the applicant's developer partners.
- 8.4 Some of the uncertainties reported on 17/11/2020 are now less of an influence (and less of a concern) in relation to phasing. For example, the adjacent Owl Lane development now has planning permission, and work on that development (and its section of the spine road that would ultimately connect Owl Lane with Leeds Road) has commenced, meaning there is less risk of delay to those phases that would be reliant on the completed spine road for access.
- 8.5 Notwithstanding the above, the applicant still seeks a degree of flexibility in relation to delivery, and would not wish the precise phasing of development to be fixed at this outline stage.
- 8.6 While it is considered that a degree of flexibility can indeed be accepted, relevant mechanisms in a Section 106 agreement would be necessary to ensure mitigation is delivered at an appropriate stage (for example, the timely delivery of the new primary school and other on-site infrastructure needed to support the development is essential). Also, 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. Phasing should also take into account the availability of construction access routes, biodiversity (if wildlife is to be given time to relocate to land beyond the application site), and the need to ensure development spreads outward from the existing built-up area (to ensure no phase appears as a sprawling, outlying limb that does not read as a planned or logical extension to the existing settlement).
- 8.7 The applicant has not yet identified a master builder/developer, infrastructure provider or other developer partner, however talks with various parties have commenced. Rather than entirely dispose of the site prior to commencement of development, the applicant intends to remain involved over the long term, to retain control over development quality, and to help ensure development (including infrastructure delivery) is co-ordinated. The applicant would also retain ownership of adjacent land to the east of the application site, including Dum Wood and Dogloitch Wood, and land within Wakefield borough. This ongoing involvement, overseer approach and intended stewardship model may assist in the effective delivery of mitigation required in connection with the proposed development (for example, in relation to ancient woodland access management, and biodiversity). The applicant has also advised that it would enable delivery of the Church Commissioners for England's strategies relating to sustainability, climate change and social value.

9.0 HIGHWAYS AND TRANSPORT

- 9.1 Of relevance to highways and transport, the proposals, planning policy and guidance, consultee responses and existing highway conditions around the site remain as per what was set out in the previous position statement, however some considerations have changed or have emerged since 17/11/2020 (see paragraphs 3.5 to 3.7, 4.1, 4.2, 6.4, 6.9 and 6.14 above).

- 9.2 Discussions between officers and the applicant since 17/11/2020 have largely concerned junction assessment and mitigation. Those discussions relating to M62 junction 28 and M1 junction 40 have also involved National Highways (previously Highways England), Leeds City Council and Wakefield Council. The applicant for the Capitol Park scheme in Leeds has been involved in discussions regarding M62 junction 28.
- 9.3 The applicant's proposed trip generation rates and predicted background traffic growth rates are considered acceptable. The list of committed schemes (taken into account by the applicant in traffic modelling) is considered appropriate. The applicant's junction impact modelling takes into account assumed traffic growth predicted for the year 2030, except in the case of junction 28 of the M62, where the year 2033 has been used (2033 is the end date of the Leeds Local Plan period). The applicant's modelling does not account for Travel Plan-induced modal shifts, or for the possibility of a West Yorkshire mass transit system being implemented in the future. The applicant has therefore argued that the traffic created by the proposed development may prove to be less than they have predicted.

M62 Junction 28

- 9.4 Following extensive discussion, modelling and design work, an acceptable highway mitigation scheme for junction 28 (the Tingley roundabout) has been agreed between all interested parties (the applicant, the council, the Capitol Park applicant, National Highways and Leeds City Council).
- 9.5 This highway mitigation scheme has been designed to take into account assumed traffic growth predicted for the year 2033, as well as the traffic of the two above-mentioned developments, and that of a major residential development already approved at Haigh Moor in Leeds (ref: 17/08262/OT). Of the additional traffic expected at junction 28 (created by those three major developments), approximately 60% would be generated by the Chidswell development, 30% by Capitol Park, and 10% by the Haigh Moor development. The highway mitigation scheme also incorporates sustainable transport improvement works (intended to be of benefit to pedestrians and cyclists) that Leeds City Council had planned to carry out at junction 28.
- 9.6 The proposed scheme includes no departures (from the Design Manual for Roads and Bridges standard) on the parts of the junction for which National Highways is responsible. A minor departure is proposed on part of the junction for which Leeds City Council is responsible, however Leeds City Council have indicated that this can be accepted. A formal departure procedure need not be followed in relation to this.
- 9.7 Of note, although the proposed scheme would mitigate the traffic impacts of the Chidswell and Capitol Park developments, it would not fully mitigate all impacts when predicted background growth is taken into account (there is still likely to be some queueing at junction 28, although this residual impact is not predicted to be severe). All parties, however, are satisfied that the best possible scheme has been devised within the constraints applicable to that junction.

- 9.8 For the motorway junctions affected by the proposed development, the applicant has expressed a preference for moving away from a “predict and provide” approach. The applicant would instead prefer to postpone implementation of the proposed scheme, and monitor traffic growth at this junction to ascertain whether the scheme (or a part thereof) is in fact needed. The applicant is of the view that traffic growth at this junction may not be generated to the extent predicted. If this approach is accepted, conditions could be applied to prevent the occupation of a number of dwellings before the highway mitigation scheme is delivered. A draft Monitoring Strategy Framework has been prepared by the applicant. This would be used to ascertain whether the mitigation scheme proves necessary, and the comments of Leeds City Council on this draft strategy are awaited. Of note, although the applicant does not propose early implementation of the scheme, the applicant has earmarked funding for it in an early stage of the development programme.
- 9.9 The scheme has been costed at approximately £10m. Of note, the outline planning permission for the Haigh Moor development secured a contribution of £816,000 towards improvements at junction 28. A condition regarding delivery of a proportion of the works (via Section 278) is expected to be secured by Leeds City Council in connection with the Capitol Park development. Leeds City Council are also expected to contribute, as that authority had already intended to carry out sustainable transport improvement works at that junction. In discussions regarding development viability, the applicant has allowed for a cost of £5.5m to £6m relating to the scheme.
- 9.10 The applicant would prefer to make a financial contribution towards the scheme (rather than deliver the works), and it is understood that Leeds City Council are agreeable to this. The applicant would prefer to make any such payment to Kirklees Council, so that Leeds City Council would not need to be a signatory to the Section 106 agreement.
- 9.11 The scheme has been designed so that it can be implemented in two phases of roughly equal scale. Although it is likely that the Capitol Park development would be implemented before development at Chidswell is implemented, should the Chidswell development be implemented first, the applicant would need to implement phase 1 of the highway mitigation scheme (phase 1 must be implemented first – the order of implementation is not flexible), and also contribute towards the later implementation of phase 2. This contribution would be necessary because the Chidswell development would have a greater impact at junction 28, and the cost of mitigation would need to be distributed proportionately between the two developers in light of their developments’ respective impacts.
- 9.12 Of note, while an acceptable highway mitigation scheme for junction 28 has been agreed between all interested parties, final sign-off from the relevant authorities has not yet been received. A designer’s response (to an earlier road safety audit and a walking/cycling/riding assessment) has been submitted by the applicant to National Highways and Leeds City Council, and responses from those authorities are awaited.

- 9.13 National Highways will maintain their holding objection (most recently renewed on 08/07/2022) for the time being, however withdrawal of this objection in relation to this junction is expected in the near future, given the significant progress made to date.

M1 Junction 40

- 9.14 Extensive discussion, modelling and design work has also taken place in relation to junction 40 of the M1. This has involved the applicant, the council, National Highways and Wakefield Council.
- 9.15 A maximum mitigation scheme has been designed for this junction by the applicant. This is a scheme intended to mitigate the maximum possible traffic impacts of the proposed development at this junction, however – as with junction 28 of the M62 – the applicant has proposed to postpone implementation of that scheme, and to monitor traffic growth at this junction to ascertain whether the scheme (or a part thereof) is in fact needed. The applicant is of the view that traffic growth at this junction may not be generated to the extent predicted. A draft Monitoring Strategy Framework has been prepared by the applicant. This would be used to ascertain whether the mitigation scheme proves necessary, and the comments of Wakefield Council on this draft strategy are awaited.
- 9.16 A related walking/cycling/riding assessment has been completed by the applicant. A road safety audit has also been prepared, and this may necessitate some amendments to the design of the scheme (a designer's response is yet to be completed). The principle of the scheme has, however, been accepted by the relevant authorities.
- 9.17 The proposed maximum mitigation scheme includes departures (from the Design Manual for Roads and Bridges standard) which would need to be agreed with Wakefield Council. No departures are proposed on the parts of the junction for which National Highways are responsible.
- 9.18 National Highways will maintain their holding objection (most recently renewed on 08/07/2022) in relation to this junction for the time being.
- 9.19 The mechanism for the delivery of the maximum mitigation scheme (in the event that it is needed) – be it a financial contribution or a conditioned delivery of works / Section 278 approach – is yet to be agreed with National Highways and Wakefield Council.

Shaw Cross junction

- 9.20 Major junction improvements are required at the Leeds Road / Challenge Way / John Ormesby VC Way junction (the Shaw Cross junction) to accommodate predicted traffic growth and the traffic of several developments in the surrounding area. A design for this improvement scheme has been prepared by the council, and was subsequently amended to include better provision for cyclists. The cost of this scheme was initially expected to be around £600,000. The planning permission for the HS47 allocated site (ref: 2019/92787) secured a £200,000 contribution towards this scheme, and the High Street / Challenge Way permission (ref: 2021/91871) secured a £40,307 contribution. Work on both those developments has commenced. Should outline permission be

granted for development at the Chidswell site, a further proportionate contribution (or delivery of works) would need to be secured. Noting the contributions already secured, the applicant intends to make up the difference in the cost of implementing the improvement scheme.

- 9.21 A planning application for the Shaw Cross junction improvement works is due to be submitted on behalf of the council in the near future. If approved, implementation of the scheme is expected in 2023 to 2025.

Other junctions in Kirklees

- 9.22 The applicant proposed road safety works and improvements for pedestrians and cyclists at the Leeds Road / Heybeck Lane / Soothill Lane junction. Of note, works were previously proposed at this junction in connection with the development of land off Soothill Lane (allocated site HS72) – a draft proposal was submitted under application ref: 2018/94189, and condition 8 of that permission (repeated as condition 8 of permission ref: 2020/94202) required further details of those works, however condition 8 was subsequently amended following the proposal of a more appropriate alternative mitigation scheme at this junction (condition 8 of permission ref: 2022/90889 now applies).

Other junctions outside Kirklees

- 9.23 To the north of the application site, within Leeds, the applicant proposes road safety works and improvements for pedestrians and cyclists at the Dewsbury Road / Syke Road / Rein Road junction.
- 9.24 No other junction improvement works are proposed within the adjacent boroughs (Leeds and Wakefield).

Site entrances

- 9.25 The applicant has completed road safety audits for the four proposed site entrances listed at paragraph 2.7 above, and designer's responses are being prepared. The applicant has advised that the road safety audits have identified no need for significant amendments, and that previous junction modelling would not be affected by the minor amendments that will need to be made.
- 9.26 Officers remain of the view that, while a new roundabout is to be created at the junction of the spine road and Owl Lane (as part of the development at the HS47 allocated site, ref: 2019/92787), a signalised junction (rather than a roundabout) is appropriate for the spine road's junction with Leeds Road. Similarly, priority or signalled junctions (rather than roundabouts) are considered appropriate for the other three proposed site entrances. Such junctions would enable better control of traffic flows, would provide better pedestrian access, would require less land, and would address topographical constraints.
- 9.27 Regarding the southernmost site entrance (proposed at Chidswell Lane), the requirements of site allocations HS47 and MXS7 are noted – these require the banning of right and left turns into the southern stretch of Chidswell Lane, which are requirements supported by Wakefield Council. The concern is that southwestbound drivers using the spine road may see queueing traffic at the new Owl Lane roundabout, and may decide to turn into Chidswell Lane to

reach Ossett and other destinations via Gawthorpe. There is a secondary concern that northbound drivers on Owl Lane may see queueing traffic at the new roundabout and may try to cut through Gawthorpe via Pickering Lane and Chidswell Lane. Wakefield Council officers have previously commented that the southern section of Chidswell Lane, due to its narrow carriageway and traffic calming, is not suited to take additional traffic.

- 9.28 Under application ref: 2019/92787, consideration was given to junction designs that would not significantly restrict access to the former Huntsman Inn, Boundary End Cottage and other properties on Chidswell Lane south of the spine road, that would not cause rat-running along Chidswell Lane between the spine road and Leeds Road, and that could be accommodated within existing highway land and land available within the two development sites. Officers favoured a simple T-junction (a crossroads is not considered appropriate here (except in relation to cycle traffic), and the stopping up of the section of Chidswell Lane between the spine road and Windsor Road is supported) with signs banning left and right turns. This is considered preferable to physical barriers, which would restrict access to existing properties (and some of the dwellings of the Owl Lane development, which would be accessed from Chidswell Lane), and would force residents to make unnecessarily long detours via the spine road, Owl Lane and Pickering Lane. It is considered that a signed solution would be compliant with the requirements of site allocations HS47 and MXS7, and would be sufficient to discourage rat-running down the southern section of Chidswell Lane. However, in relation to application ref: 2019/92787 it was recommended that the adequacy of this solution be monitored, and that physical measures (such as enforcement cameras and/or the provision of a plug prioritising northbound traffic) be considered at a later stage if the signed solution proves unsuccessful. Arrangements for, and contributions towards, this monitoring and subsequent measures (if required) were included in the Section 106 completed in connection with permission ref: 2019/92787.

Spine road

- 9.29 The proposed spine road would be a residential connector street (Type A) as per the Kirklees Highway Design Guide SPD, with a cross section of a 3m shared cycle/footway; a 2m verge; a 6.75m carriageway; a 2m verge; and a 3m shared cycle/footway. This would reflect the design of (and tie into) the section of spine road already approved under application ref: 2019/92787, and is considered to be an appropriate response to the guidance set out in Cycle Infrastructure Design – Local Transport Note 1/20 (LTN 1/20).
- 9.30 The need for, and relative benefits of, full separation of pedestrian and cyclist traffic has been given careful consideration, however it is considered that 3m wide shared cycle/footways, separated from the carriageway by a soft landscaped verge, are appropriate. Of note, this arrangement would segregate cyclists and pedestrians from the spine road's vehicular traffic, which would ensure much safer travel for those more vulnerable road users – the shared cycle/footways are expected to be used by slow-moving, less confident cyclists, including older people and children. Faster, more competent and confident cyclists are considered more likely to use the carriageway of the spine road (sharing that space with vehicular traffic), as their journey would not be interrupted by side streets.

- 9.31 For amenity, safety and placemaking reasons, HGVs would be excluded from the spine road, although buses may be present. A design speed of 25mph would inform the detailed design of the spine road, however a 30mph speed limit would be applied. The spine road would not be signed at either end as a through-route to Leeds or Ossett.
- 9.32 The spine road would be a significant infrastructure cost to the development, and it may not be possible for this cost to be fully met by the first phase of development alone. This may mean a number of dwellings would need to be completed and occupied (and accessed from Leeds Road via a northern section of the new spine road) before the spine road provides a complete connection between Owl Lane and Leeds Road.

Public transport

- 9.33 In their detailed comments of 18/12/2020, the West Yorkshire Combined Authority (WYCA) welcomed the applicant's proposal to allow bus access into the site, along the proposed spine road. Noting that Arriva are the main bus operator within the vicinity of the application site, WYCA advised:
- Bus route 202/203 – “MAX” service every 15 minutes between Leeds, Dewsbury and Huddersfield. Arriva are of the view that diversion of this service into the application site would not be appropriate.
 - Bus route 117/X17 – Arriva have advised that diverting this service into the site could be considered, however this would require additional funding.
 - Bus route 205 – Arriva have advised that diverting this limited service into the site could be considered.
- 9.34 WYCA additionally relayed Arriva's comment that, for a development of the size proposed, a service at least every 30 minutes (Monday to Saturday) and hourly during evenings and Sundays to local key trip generators would be appropriate. In this area Arriva recommend that a service every 30 minutes between Leeds and Dewsbury via White Rose shopping centre would be appropriate. By making some network alterations in the area, Arriva believe that costs could be reduced to around £300,000 per annum. WYCA invited the applicant to discuss a pump-prime funding solution which could enable a self-sustaining commercially viable service to become established after a short-term initial funding period.
- 9.35 The applicant has accepted the principle of contributing towards local bus services, however the precise nature and amount(s) of contribution(s) are yet to be agreed. The applicant met with Arriva in 2021, and reported that Arriva are agreeable to the possibility of buses entering and turning within the site as an interim measure while completion of the spine road is awaited.
- 9.36 Much of the application site is within 400m walking distance of existing bus stops on Heybeck Lane, Leeds Road, Chidswell Lane and Windsor Road. This means public transport would be reasonably accessible to residents of many of the proposed dwellings before new or diverted bus services are brought into the site. New bus stops along the proposed spine road would bring the majority of the proposed development within 400m walking distances, however dwellings within the easternmost edge of the site (south of Dogloitch Wood) would remain outside those walking distances.

Other highways and transport matters

- 9.37 Local and national policies and guidance adopted and published since 17/11/2020 have further highlighted the need for developments to be designed to enable the use of sustainable modes of transport. The creation of walkable neighbourhoods and provision for cycling are particularly important. The applicant's indicative masterplan makes good provision for pedestrians and cyclists, including in respect of walking-to-school routes, and movement between the proposed residential and employment uses. Further consideration of these routes and provisions would be carried out at Reserved Matters stage, if outline permission is granted.
- 9.38 As shown in the applicant's indicative masterplan, existing public footpaths would largely be retained (some minor diversions are proposed). Further consideration of these matters would be carried out at Reserved Matters stage, if outline permission is granted. Diversions of existing public rights of way would be subject to applications, fees and consultation under a legislative process separate to planning.

10.0 SUSTAINABILITY AND CLIMATE CHANGE

- 10.1 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. At pre-application stage, the applicant was advised to respond positively to the net zero carbon emission targets referred to earlier in this report. At application stage, an assessment is necessary to ascertain whether the proposed development would achieve net gains in respect of all three of the NPPF's sustainable development objectives.
- 10.2 The application site is considered to be 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. The site is not within walking distance of a railway station, however Leeds Road is relatively well served by buses, and bus routes also operate along Heybeck Lane and Chidswell Lane (although the comments of Leeds City Council regarding these services being limited are noted). Chidswell, Shaw Cross and Woodkirk have a small number of shops (including a shop offering Post Office services), eating establishments, a church, pubs, petrol stations, social infrastructure, employment uses and other facilities, such that at least some of the daily, economic, social and community needs of residents of the proposed development can be met within the area surrounding the application site, and combined trips could be made, which further indicates that residential development at this site can be regarded as sustainable.
- 10.3 Since the submission of the current application, the council approved a Planning Applications Climate Change Guidance document which advises applicants to submit a Climate Change Statement with all applications. Effectively, the applicant had already done this – a Sustainability Statement was submitted with the current application, and the applicant has referred to sustainability and climate change in other submission documents. This is welcomed.

10.4 The applicant's Sustainability Statement looks at how the proposed development has responded to relevant national and regional sustainability policies, and provides an account of how the applicant team have considered and implemented sustainable design when formulating the current proposals. Efficient use of land and buildings, energy efficiency, sustainable transport, waste management, materials sourcing and recycling, built heritage and archaeology, flood risk, land use and ecology and pollution are examined. The report asserts that further information relevant to sustainability would be brought forward at later (Reserved Matters and conditions) stages, but concludes that, subject to those later details, the proposed development shall meet the sustainability requirements of local and national planning policy.

10.5 The application must demonstrate that the proposed development delivers net gains in respect of all three sustainable development objectives (economic, social and environmental). Assessment in relation to these three objectives is ongoing (and would continue into Reserved Matters and conditions stages, if outline permission is granted), however at this stage the following can be noted:

Economic sustainability

10.6 Economic sustainability can concern employment and training opportunities during the construction phase. The provision of training and apprenticeships is strongly encouraged by Local Plan policy LP9, and as the proposed development meets the relevant thresholds (housing developments which would deliver 60 dwellings or more, and employment developments delivering 3,500sqm or more of business or industrial floorspace), officers will be approaching the applicant team to discuss an appropriate Employment and Skills Agreement, to include provision of training and apprenticeship programmes. Such agreements are currently not being routinely secured through Section 106 agreements at outline stage – instead, officers are working proactively with applicants to ensure training and apprenticeships are provided. Given the scale of development proposed, there may also be opportunities to work in partnership with local colleges to provide on-site training facilities during the construction phase.

10.7 Post-construction employment opportunities are relevant to the consideration of the proposed development's economic sustainability. With the inclusion of up to 122,500sqm of employment floorspace and the provision up to 2,500 new jobs, the proposed development has the potential to contribute significantly to the economic development of Kirklees and West Yorkshire. The related provision of post-construction training and apprenticeships could significantly contribute to the borough's skills base and economic resilience. The proposed location of employment uses relatively close to new and existing housing would create new opportunities for local employment (potentially minimising journey-to-work times), and residents of the development would have access (via the bus services of Leeds Road) to employment opportunities further afield. The provision of space for expansion (without having to relocate) of businesses within the site would be beneficial for sustainability and business continuity reasons.

Social sustainability

- 10.8 In relation to the proposed development's residential component, a significant element of social sustainability concerns the creation of places that people will want to live in and remain living in, and that are convivial and create opportunities for interaction and community building. Places offering low standards of residential amenity and quality are often inhabited by short-term and transient populations who do not put down roots – such places are less likely to foster a sense of community, civic pride and ownership. Design, residential amenity and quality, open space, community facilities and other relevant matters would be subject to further consideration at Reserved Matters stage, if outline permission is granted.
- 10.9 The inclusion of a two form entry primary school, a local centre and sports and leisure facilities would help ensure the proposed development would address social sustainability objectives by meeting at least some of the development's social infrastructure needs on-site. Other needs can be met through good integration with (and connections to) the surrounding neighbourhood, and planning obligations.

Environmental sustainability

- 10.10 The proposed development would involve the use of a large area of previously-undeveloped (greenfield) land. However, measures have been proposed, or would be secured, to ensure environmental objectives are met. A biodiversity net gain would need to be achieved. Extensive green and blue infrastructure is required to support the proposed development. As noted at pre-application stage, ample opportunity exists 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. An on-site modular housing construction facility could also have benefits in relation to sustainability.
- 10.11 Renewable and low carbon energy proposals are encouraged by Local Plan policy LP26. Given the range of uses proposed at the allocated site, at pre-application stage (and in accordance with Local Plan policy LP26) officers advised that there was scope for the creation of a district heat or energy network for which provision (including leaving space for the future provision of an energy centre and pipework beneath footways) should be made at application stage, although it now must be noted that the higher Part L standards applicable since 15/06/2022 will reduce the potential energy savings that could have been achieved through district heating. Local Plan paragraph 12.11 refers to the heat mapping work already carried out for the Leeds City Region – the applicant was advised to refer to this work.
- 10.12 In the submitted Sustainability Statement the applicant proposes to explore the potential for a district heat network within the site at the detailed design stage, once the layout of the development has been established and the range of commercial property types and potential occupants are defined.
- 10.13 For a development at this site, of the scale proposed, transport is among the key considerations of relevance to sustainability assessment. Measures would be necessary to encourage the use of sustainable modes of transport, and to minimise the need to use motorised private transport. A development at this

site that was entirely reliant on the use of the private vehicle is unlikely to be considered sustainable. Further consideration of these matters is set out elsewhere in this position statement, however it is noted that the proposed development includes:

- Shared cycle/footways along the development's spine road;
- Other routes for pedestrians and cyclists throughout the proposed development;
- Provision for future routing of bus services along the spine road; and
- Implementation and monitoring of a travel plan.

10.14 In addition, detailed and tailored travel planning, and details of cycle storage and electric vehicle charging, would follow at Reserved Matters stage, if outline permission is granted.

10.15 Drainage and flood risk minimisation measures would need to account for climate change.

10.16 In light of the assessment set out above, it is considered that the proposal can be regarded as sustainable development, however further assessment of matters relevant to sustainability and climate change would be carried out at Reserved Matters stage (if outline permission is granted).

11.0 BIODIVERSITY AND ANCIENT WOODLANDS

11.1 The biodiversity designations reported in the previous position statement remain unchanged. These are:

- Biodiversity Opportunity Zone – Pennine Foothills (entire site);
- Habitat of Principal Importance (parts of the site);
- Site of Special Scientific Interest Impact Risk Zone (part of the site);
- Wildlife Habitat Network (parts of the site and adjacent);
- Local Wildlife Sites (adjacent, at Dogloitch Wood and Dum Wood); and
- Habitat-rich ancient replanted woodlands (adjacent, at Dogloitch Wood and Dum Wood).

11.2 In addition, several hedgerows within the site provide valuable habitats, and several trees within the site and nearby are subject to Tree Preservation Orders. Bats are known to be present in the area.

11.3 Chapter 15 of the NPPF, and policy LP30 of the Local Plan, remain applicable.

11.4 During the life of the current application, the council published its Biodiversity Net Gain Technical Advice Note, the Environment Act 2021 passed into UK law on 09/11/2021, and Natural England launched the Biodiversity Metric 2.0 in 2019 and the Biodiversity Metric 3.0 (the current applicable version) in 2021. On 02/08/2022 the Government began consultation on Biodiversity Metric 3.1. This consultation ended on 27/09/2022. If that latest version is adopted as the statutory metric in the near future, it would be appropriate for the applicant to refer to it, given that later Reserved Matters applications would be expected to use it.

- 11.5 Representations relating to biodiversity have been received from KC Ecology, the Yorkshire Wildlife Trust, Natural England, and from local residents. The Chidswell Action Group have submitted a document dated 06/03/2022 and titled "Chidswell Heybeck Climate Challenge" which includes commentary and raises questions regarding the proposed development's impacts upon biodiversity. The Chidswell Action Group has also referred officers to the iNaturalist website to which residents have uploaded evidence of the presence of species (including kingfishers) within or close to the site.
- 11.6 It is noted that – given the age of the current application – the applicant's ecological survey information is now four years old. Although further, up-to-date surveys would in any case be required at Reserved Matters (if outline permission is approved), the applicant has been asked to respond on this matter at outline stage.
- 11.7 In light of the above, the applicant has stated that the following is to be submitted:
- Bat surveys of the houses to be demolished;
 - Results of further site walkovers (to address concerns regarding the age of the applicant's ecological surveys, and concerns regarding species not previously noted in the applicant's submissions);
 - Details of proposed skylark plots (following further discussion with tenant farmers); and
 - Revised Biodiversity Net Gain assessment (using the latest adopted metric). Of note, the applicant believes a 10% net gain can be achieved on-site.
- 11.8 Once the above further information is received, further comments from consultees and local residents will be sought.
- 11.9 Further discussion has taken place with the applicant regarding public access to the ancient woodlands at Dogloitch Wood and Dum Wood, and the significant increase in the local population that would be brought about by the proposed development. Both areas of woodland are owned by the applicant, but are within the tenancies of the adjacent farms. Both are informally used by local residents for leisure, play, enjoyment of nature, and dog walking. Public rights of way run along some of the edges of the woodlands, but not through them. The following options have been considered:
- Uncontrolled access to the woodlands – This would enable continued use by existing and new residents, however given the anticipated increase in the nearby population, this could result in significant harm to the woodlands.
 - Prohibition of access – This would be of benefit to the woodlands and their biodiversity, however it would reduce residents' opportunities to access nearby leisure and nature assets, may prove unpopular with local residents, may be ignored, and would create new enforcement responsibilities.
 - Controlled access to the woodlands – This would not be without risk, but could limit harm while maintaining access and the related benefits to the public.

- 11.10 Officers are of the view that controlled access to the woodlands would be the most preferable and realistic way forward. This controlled access could be managed in accordance with details submitted pursuant to Section 106 obligations. These may include details of permissive routes through the woodlands (possibly following the already-trodden routes, unless there are biodiversity and arboricultural reasons for not doing so), and details of any necessary signage and fencing. No-go areas, dog waste bins and interpretation may also be appropriate. In their comments of 17/12/2020, the Forestry Commission recommended that any such woodland management be carried out in accordance with the UK Forestry Standard, and that the use of a Forestry Commission Standard Management Plan be considered. All woodland management proposals would need to be based on a thorough understanding of the biodiversity and arboricultural value of the woodlands. Provision for monitoring of impacts, and remediation (should problems arise) would also need to be included in the details.
- 11.11 Concern has been expressed regarding the risk of the proposed development lowering the area's water table, drying out the land beneath the adjacent ancient woodlands, and harming them and their biodiversity. While it is accepted that this could occur where extensive development involves introducing hard surfaces to previously-permeable land (and where geology and topography are factors), at the Chidswell site the applicant is proposing 20m buffers adjacent to the ancient woodlands, as well as significant areas of green space. Furthermore, the adjacent ancient woodlands would not be left perched on higher land while land around it is lowered and hard surfaced.

12.0 SECTION 106 AND VIABILITY MATTERS

- 12.1 The following draft Heads of Terms (regarding matters to be included in Section 106 agreements, should outline planning permission and Reserved Matters approvals be granted) have been discussed with the applicant:
- Highway capacity/improvement/other works
 - M62 junction 28 capacity improvement.
 - M1 junction 40 capacity improvement.
 - Shaw Cross junction works.
 - Other capacity/improvement works (subject to ongoing consultation with Highways Development Management officers, Leeds City Council and Wakefield Council).
 - Other Section 278 works, including at Dewsbury Road / Syke Road / Rein Road junction.
 - Delivery of spine road, and arrangements to secure its adoption.
 - Monitoring of left-turn movements into Chidswell Lane from spine road, and implementation of works if signed restriction proves ineffective.
 - Sustainable transport
 - Securing of a Dewsbury-Leeds bus route along spine road, 30-minute frequency Monday to Friday (all day), hourly frequency at weekends (all day), for five years, commencing at date to be agreed (a number of dwellings near to existing bus stops can be occupied prior to bus route being provided).
 - Travel Plan implementation and monitoring including fees – normally £15,000 (£5,000 for three years), however a more nuanced approach to travel planning and monitoring would be appropriate at Reserved Matters stage.

- Other measures to encourage the use of sustainable modes of transport.
- Other infrastructure works and provision – commitment to investigate potential for decentralised energy, and implement.
- Education
 - Provision of land and funding for a two form entry primary school. Delivery trigger likely to relate to completion of a certain number of dwellings. Responsibility for delivery to be clarified.
 - Secondary education contribution of £2,257,029 (to be reviewed as more detail of unit size mix is known).
 - Early years and childcare provision – details of size, timing, and delivery method to be confirmed.
- Open space, including sports and recreation and playspaces – including sum based on SPD methodology (instead of Sport England’s methodology), and on-site provision (to be confirmed at Reserved Matters stage) may further reduce contribution. Site-wide strategy required to ensure provision across all phases/parcels/Reserved Matters applications is co-ordinated.
- Affordable housing – 20% of 1,354 dwellings would be 271 (149 social/affordable rent, 122 intermediate).
- Local centre (including community facilities) – arrangements to ensure buildings/floorspace is provided, and details of size, timing, uses and location to be clarified.
- Employment element – arrangements to enable development, including funding of infrastructure and development plateaux, in lieu of early delivery.
- Placemaking – site-wide strategy including design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide SPD.
- Air quality – contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
- Biodiversity – contribution (amount to be confirmed once applicant’s calculations are updated) towards off-site measures to achieve biodiversity net gain (if 10% can’t be achieved on-site).
- Management – the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure. May include street trees if not adopted.
- Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
- Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant’s ownership).

12.2 The applicant provided an initial response to the draft Heads of Terms on 11/05/2022. Discussion regarding these matters is ongoing. It is possible that some of the above matters may be more appropriately secured by condition, rather than via a Section 106 agreement.

- 12.3 During the life of the current application, the applicant commissioned consultants Bentley and Savills to carry out further assessments of costs and to then prepare a development appraisal with the intention of establishing whether development of the site would be financially viable, taking into account the further site investigation work carried out at the end of 2021, and the above-listed planning obligations. As part of this appraisal, Savills made reasonable assumptions regarding profit and the site's existing use value, and a uniform 20% affordable provision was applied to every residential phase.
- 12.4 On 22/07/2022 the applicant confirmed that the proposed development was indeed viable, and that the required planning obligations could indeed be provided. However, that viability was dependent upon flexibility being applied in respect of the timing of some of the more costly planning obligations. One key cost relates to the provision of the two form entry primary school which is required under site allocation MXS7. Based on the applicant's indicative programme and having regard to up-to-date Number on Roll forecasts, the need for this school is likely to be triggered when between 279 and 387 dwellings are occupied, which may happen in or around the year 2029. With the cost of the school likely to be at least £10m, this is a major piece of social infrastructure required relatively early on in the programme, before receipts from the sale of the majority of the residential element have been collected. In early phases, sales income would be low, but mitigation costs would be high. The provision of the school at this stage adversely affects viability early on in the programme, not only during the first phase (where the applicant is willing to accept a lower profit level) but also beyond.
- 12.5 In light of the applicant's viability findings and in response to officer requests, the applicant tested various scenarios involving later provision of other contributions (such as certain highway works and open space provision, although the applicant has advised that there is little scope for postponing and/or bringing forward the various provisions), and moving greater proportions of affordable housing to later phases (which the applicant would rather not do). The applicant also tested the council's revised affordable housing transfer values, which are currently being consulted on in a draft Affordable Housing and Housing Mix SPD. Having run these further tests, however, the applicant again concluded that the primary school could not be delivered when needed – instead, it could be provided once approximately 750 dwellings are delivered (at the earliest).
- 12.6 These discussions are ongoing, and it is possible that the applicant may be able to identify savings in the cost of delivering the school (which may enable its earlier provision) if it is built by the applicant's developer partner, and once the applicant has assessed the council's primary school specification.
- 12.7 Notwithstanding this pending further testing, it is likely that Members will be asked to consider what, if any, postponement of provisions could be accepted in order to enable the delivery of housing and employment development at this strategic site.

13.0 OTHER PLANNING MATTERS

- 13.1 Gawthorpe Water Tower was added to the statutory list by Historic England on 04/12/2020. This striking and much-loved local landmark is now Grade II listed for the following principal reasons:

Architectural interest:

- *it has a strikingly elegant neoclassical design executed in reinforced concrete that is atypical in its level of detailing and aesthetic treatment;*
- *it is a prominent landmark structure that makes a strong architectural statement reflecting civic pride;*
- *it compares favourably with other listed water towers nationally and is a distinguished example of a municipal water tower.*

Historic interest:

- *it is an important physical reminder of the significant advancements in health and sanitation made in the latter half of the C19 and early C20, and developments in public water supply provision.*

- 13.2 The tower is located approximately 90m away from the application site's red line boundary, and stands on land approximately 125m AOD.
- 13.3 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the council to have special regard to the desirability of preserving the nearby listed building, its setting and any features of special architectural or historic interest which it possesses. Furthermore, paragraphs 199 and 200 of the NPPF state that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Local Plan policy LP35 states that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.
- 13.4 The proposed development would result in the loss of part of the open agricultural landscape to the northeast of the water tower, however it is considered that this would not diminish the architectural and aesthetic interest of the building, which is best appreciated from within its immediate environs to the west of Chidswell Lane. The topography of the application site, sloping in a northeasterly direction away from the water tower, in combination with the low massing of the nearest residential properties proposed, would ensure that the water tower remains a prominent feature along the course of Chidswell Lane. In addition, the water tower would remain prominent in the long ranging views available from the neighbouring villages to the east where the water tower would be visible above the low massing of the residential properties proposed within the southwestern part of the application site. The appreciation of the water tower's distinctive design and prominence as a landscape feature would largely be retained, and the proposed extension of the built-up area towards the water tower would not significantly diminish the architectural or historic interest of the structure as a heritage asset.
- 13.5 The proposed development would cause minimal harm to the setting of Gawthorpe Water Tower. KC Conservation and Design have identified this harm as less than substantial. Paragraph 202 of the NPPF states that such harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

- 13.6 The Secretary of State for Levelling Up, Housing and Communities (SoS) has received a request from a third party to call in the current application. The SoS would only call in the application if the Strategic Planning Committee resolved to grant permission.
- 13.7 The points raised by the solicitor acting for the Chidswell Action Group (letter dated 29/04/2021) are noted. Regarding the fact that two outline applications have been submitted by the applicant, it must be noted that any applicant or developer of a large site is free to submit several applications at the same time for different parts of their site – there is nothing in planning law to stop them doing this. What is important, however, is how these applications are then assessed. At Chidswell, the two applications (and the impacts of both proposals) are being considered together, including in relation to Environmental Impact Assessment (EIA). This is not an unusual scenario, and the council already has experience of assessing such applications at other sites. A separate EIA Environmental Statement (ES) did not need to be submitted for the Heybeck Lane site.
- 13.8 National Grid have submitted a holding objection. Clarification regarding the proposed development would need to be submitted to National Grid to address the objection.

14.0 NEXT STEPS

- 14.1 A significant volume of further information was submitted by the applicant after the council carried out its consultation in August 2020. Reconsultation is therefore considered necessary before the council makes a decision on applications 2020/92331 and 2020/92350.
- 14.2 Following that reconsultation and consideration of the responses to it, the applications will be brought back to the Strategic Planning Committee for determination. Comprehensive committee reports – including assessments of all relevant planning issues – will be provided at that stage.