

**Consultation Response from KC,
 Policy**
2020/92331 Land east of, Leeds Road, Chidswell, Shaw Cross, Dewsbury

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/D2 uses), a 2 form entry primary school including early years provision, green space, access and other associated infrastructure

Date Responded: 29
 September 2020

Responding Officer: Hannah
 Morrison

Responding Ref:

The Local Plan was adopted on 27 February 2019. The Local Plan strategy and policies should be fully considered, the following response relates to specific Local Plan policies which are of particular relevance to the proposal. This response addresses the most relevant policies only and other policies that are not mentioned here will also apply.

Mixed-use allocation MXS7

The proposal for a mixed-use scheme on land allocated for mixed use within the Local Plan (site allocation ref: MXS7).

This proposal covers most of the allocation, with a small proportion to the north of the allocation, subject to a separate outline application for residential development (Use Class C3) of up to 181 dwellings at Heybeck Lane (2020/92350).

There are several constraints on site and a number of site-specific considerations noted in the site allocation box. The site-specific considerations are listed below:

- Landscape character assessment has been undertaken for this site which should be considered in the development masterplan/site proposals.
- This location is identified in the Leeds City Region Strategic Economic Plan and in the Kirklees Economic Strategy and the site will play a key role in helping transform Dewsbury. Proposals should indicate how the place shaping strengths, opportunities and challenges can be addressed through reference to policies in the Local Plan, the Dewsbury Strategic Framework and other regeneration and urban renaissance strategies and initiatives.
- The provision of a new 2 form entry primary school will be required on this site
- The provision of secondary school places will be monitored and delivered to meet demand as new housing is delivered during and beyond the plan period.
- Early Years and Childcare provision will also be required relating to this allocation
- This site requires the provision of multiple access points and will need to be carefully phased to ensure it complies with other policies in the Local Plan regarding transport. Access to HS47 will be provided as part of this allocation, including no left turn onto Chidswell Lane and the provision of a new roundabout at the junction with the B6128 (Owl Lane)
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas
- Adjacent to cycling network
- Additional mitigation on the wider highway network will be required. Development of this site has the potential for a significant impact on the Strategic Road Network. Measures will be required to reduce and mitigate that impact. The transport assessment will need to demonstrate that any committed schemes are sufficient to deal with the additional demand

generated by the site. Where committed schemes will not provide sufficient capacity or where Highways England does not have committed investment, development may need to contribute to additional schemes identified by Highways England and included in the Infrastructure Delivery Plan (IDP) or other appropriate schemes. If development is dependent upon construction of a committed scheme, then development will need to be phased to take place following scheme opening.

- In accordance with LP13 (part a, paragraph 4) the creation of a new local centre commensurate with the scale of growth proposed will be supported, subject to the sequential test and impact assessment
- A masterplan is required for this site to be prepared in accordance with policies in the Local Plan
- A buffer will be required to protect the ancient woodlands at Dum Wood and Dogloitch Wood

It is considered that this proposal, as a mix use scheme, proposing 1,354 dwellings (+181 from 20/92350), employment development (up to 35 hectares), residential institution (C2) development, a local centre, a 2 form entry primary school including early years provision and green space is in line with what is set out in the Local Plan allocations document.

LP5 Masterplanning sites

The application is accompanied by a Masterplan Framework Document, which includes this application site and the area covered by the application at Heybeck Lane. This framework provides an indicative development layout and an indicative phasing and implementation plan.

LP11 Housing Mix & Affordable Housing

The proposal should provide affordable housing in accordance with Policy LP11 and the Interim Affordable Housing Policy.

LP24 Design

The planning application is accompanied by a masterplan framework, as set out in site-specific considerations, the with the masterplan set out on page 44. There are some concerns with the layout in terms of the interaction between the POS / play areas and homes, e.g. the play area at Hill Top to SW of site layout appears to be at the backs of houses. The site layout should have regard to LP24 criteria e and g in respect of the POS layout. In the elevated SW of the site, attention should be paid to the interaction of the site with the wider landscape, in terms of screening etc in accordance with policy LP32. There is also the need to ensure that the site allows for the site layout to be walkable and to meet the user hierarchy as set out in the Highway Design Guide SPD and Local Plan policies LP20 and LP24.

Whilst these issues are more detailed, the access to the site may have some bearing on them and more detailed design work that can be undertaken at reserved matters stage.

LP63 New Open Space

To follow.

LP13 New Local Centre

The proposal for the new local centre is set out in paragraph's 6.5 to 6.8 of the Planning Statement and Sequential Assessment. It will comprise of no more than 500 sq. m of commercial floorspace with flexibility for A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4

(Drinking Establishments), A5 (Hot Food Takeaway) uses with a total floorspace 1,500 sq m to include D1 (Non-residential institutions) and D2 (Assembly and Leisure) for potential facilities such as a doctor's surgery or dentist. The details of the retail provision will be determined at reserved matters stage. A development partner or end user will not be identified until after the granting of outline permission.

Paragraph 6.7 highlight's that the proposed retail space is anticipated to meet basic amenity needs of the occupiers of the proposed dwellings and employment uses and it is not anticipated that the proposal will cater for needs of residents outside of the development.

Local Plan policy LP13 Town centre uses part a paragraph 4 states that 'The creation of new Local Centres in areas of significant residential growth or where there are deficiencies in the existing network of centres will be supported, where it can be demonstrated that existing centres cannot be expanded to deliver local services, and subject to the sequential test and impact assessment as set out in' part b and part c of the policy.

As set out in part C, 'an impact assessment will be necessary for proposals (including the formation of mezzanine floors) for/or which include retail, leisure and office developments which are not located within a defined centre' and in this case 'where the proposal provides a floorspace a greater than 500 sq. m gross.

The role and function of a local centre as defined in Table 11 in the policy is 'provide for top-up shopping and local services particularly food and drink'.

Within the details for the mixed use site allocation (MXS7) in the Local Plan allocations and designations document, it also states that 'In accordance with LP13 (part a, paragraph 4) the creation of a new local centre commensurate with the scale of growth proposed will be supported subject to the sequential test and impact assessment.

In section 6 of the Planning Statement and Sequential assessment, the applicant sets out the sequential assessment for the retail element of the proposal as agreed at pre application stage (email dated 01st October 2019) which stated that 'It is proposed that the local centre which is to form part of the development proposals will comprise no more than 500 square metres of commercial retail space, with a total floorspace of 1,500 square metres to include facilities such as doctors/dentist (which are not defined as main town centre uses within the NPPF)/community space.' However, the planning application proposes potentially up to 1,000 sq. m of D2 assembly and leisure use due the need for flexibility. The introduction of D2 assembly and leisure use does not accord with the role and function of local centre as set out in Local Plan policy LP13.

In addition, leisure uses are a main town centre use as defined in the NPPF and Local Plan glossary and therefore subject to the sequential test. Whilst, the need for flexibility is acknowledged , if a leisure proposal was over 500 sq. m then an impact assessment is also required as such further detail of the breakdown of uses in the D1 and D2 use class is needed to determine whether an impact assessment is required.

The applicant sets out the parameters of the sequential test in paragraph 6.34 and states that sites tested as part of the sequential assessment should be large enough to accommodate the local centre as a whole and various uses should not be disaggregated as outlined by the Rushden appeal. However, the Exeter decision suggests that the NPPF requirement to demonstrate flexibility of format and scale (para 87) could in certain circumstances support the removal of certain elements of a proposal so that it may be accommodated on a more central site. Where all the uses are deemed to fit with the role and function of a local centre, I would agree that the sequential assessment should be large enough to accommodate the local centre as a whole. However, without any detailed information

relating the introduction of D2 element of the proposal, I would question the parameters of the sequential assessment.

Consideration has been given to the location a new local centre within existing centres with a 10-minute drivetime from the proposed location of the new proposed centre as a robust approach. The assessment does not include Ossett town centre which is within the 10-minute drivetime.

The assessment has considered vacant/allocated development sites and existing vacant units within the assessment area and tests potential sites to accommodate the proposed new centre as a whole accounting for those which are 10% smaller i.e. 1350 sq. m to allow for flexibility. The applicant concludes that they were unable to identify any available or suitable development sites in the area of search. There has been no reference to Ossett Town Centre.

No suitable vacant units were identified within Wakefield Road (Earlsheaton) Local Centre, Earlsheaton Local Centre, Chickenley Local Centre, Batley Town Centre and Batley Carr Local Centre.

Two vacant units were identified within Dewsbury Town Centre and one on the edge of centre. These have been discounted on the basis that 'the property is located in an area that would not be convenient for future residents and users of the proposed development.' As the proposed new local centre should be to serve new residential and employment development which is approx. 2.6 km southwest of Dewsbury Town Centre, it is considered that uses that meet day to day needs and are of an appropriate scale should be in close proximity in the case of the retail element of proposal up to 500 sq. m and potentially a GP and a dentist. However, as highlighted above further information is required on the D2 element of the proposal and proposal for the local centre does not accord with the role and function of the local centre as set in policy LP13 of the Local Plan.

Main Town Centre Use – Office B1a

When reviewing the application with regards to the new local centre, we have concerns with B1a elements of the proposal which are set out below.

Note: the application has been considered based on the 'old' use classes as the application has been submitted prior to the implementation of the use class amendment order.

On the planning application form, proposal description states 'employment development (up to 35 hectares of B1(part a and c), B2, B8 uses), however, the use classes and floorspace breakdown states B1a office (other than A2) 122,500 total gross new internal floorspace with no reference to B1c, B2, B8.

The planning statement (paragraph 3.19) also refers to B1, B2 and B8 uses. However, there appears to be no further reference to B1a office use specifically. As you are aware offices (B1a) are a main town centre use and require a sequential test if proposed in an edge or out of centre location. If the floorspace of the proposed office is greater than 500 sq. m gross (in this case) then an impact assessment is also required as set out in Local Plan policy LP13 Town centre uses.

Employment element

The Local Plan seeks to deliver 23,000 jobs between 2013 and 2031 to meet identified need therefore, the principle of (employment) development is accepted on this site. The proposal will contribute towards the council's growth aspirations to achieve an increased employment rate within the district and is a good opportunity for the district providing a range of high and low skilled jobs. When operational, the proposed development is projected to generate 3,019 direct FTE jobs with further

employment opportunities.

The total of 122,500sqm of employment floorspace (to be met within the proposed 35 hectares of employment land) is in line with the site allocation. The proposals will deliver an employment site of strategic significance within the district and across the City region.

The Kirklees Economic Strategy (KES) sets out the priorities of the district, priority one being the desire to attract and promote B2 uses in the first instance.

The latest information submitted with this application states that the final building plots will be subject to a further design exercise at reserved matters stage. However, the Masterplan indicates that a range of unit sizes would be provided, these would include large footprint buildings, and several smaller (and partitionable) units, totalling 122,500sqm.

The proposal incorporates a split of use classes to meet local, regional and national demand for units in this location. As follows:

Proposed Use Class	% of overall floor area	Proposed floor area (sqm)
B1a	15	18,375
B1b/B1c	10	12,250
B2	25	30,625
B8	50	61,250
Total	100	122,500

There is high demand for both B2 and B8 uses across the region and nationally. However, B8 (storage and distribution) floorspace should be limited and this is not an appropriate location for non-ancillary offices and there should be an emphasis on advanced manufacture and precision engineering (B2) to reflect our own ambitions set out in the KES. We do however acknowledge the need for advanced and supply chain logistics in the district.

A Market Report has been prepared by Gent Visick and provides an analysis of the local employment market. It notes in particular that over the last few years demand for industrial premises has outweighed supply. The report concludes that there is demand for modern warehouse and industrial accommodation and given the lack of supply across the wider West Yorkshire Region this site is well placed to provide opportunities for both indigenous and inward investment industrial and distribution requirements.

As discussed above, offices (B1a), as a main town centre use, would not be appropriate in out of centre locations. It is accepted that some element of office use will be required to provide the necessary administrative function to the main operation, these offices would be considered as ancillary but it would need to be demonstrated that the quantum of office is justified and entirely in relation to the primary use. Any proposal for office use, that are not considered as ancillary would need to comply with Policy LP13 of the Local Plan, which requires a Sequential Test to be submitted and in some cases an Impact Assessment.