



**Land south of Heybeck Lane,  
Chidswell**  
Planning Statement

June 2020

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# 1 Introduction

- 1.1 This Planning Statement (the "Statement") has been prepared by Deloitte LLP ("Deloitte Real Estate") on behalf of C.C. Projects and accompanies an Application for Outline Planning Permission ("the Application") submitted to Kirklees Metropolitan District Council ("KMDC") for the development of up to 181 residential units, engineering and site works, car parking, landscaping, drainage and other associated infrastructure. All matters will be reserved except for means of access.
- 1.2 The Proposed Development is located on land south of Heybeck Lane, Chidswell (the "Site"). The Site covers an area of approximately 7.05 hectares.
- 1.3 The Site is included within an allocation for mixed use development in the Kirklees Local Plan (adopted February 2019) ("KLP19") (site reference MXS7). The gross site area for the allocation totals 120.78 ha.
- 1.4 A separate outline planning application has been simultaneously submitted to KMDC by the Applicant covering the remainder of the allocation, for mixed use development (residential and employment uses) to the south of this Site and east of Leeds Road (from herein known as the "Leeds Road, Chidswell" site).

## The Applicant

- 1.5 The Applicant is C.C. Projects. C.C. Projects is a subsidiary company of the Church Commissioners for England.
- 1.6 The Church Commissioners for England are a registered charity, established to manage the Church of England's historic assets, and are responsible for providing financial support for the work and mission of the Church of England across the country. This support includes contributing to the cost of clergy stipends and pensions, bishop and cathedral costs, and providing support for parishes, especially where there is a particular need.
- 1.7 The Commissioners are responsible for managing a property portfolio that includes commercial, rural and residential property, as well as strategic land, forestry and indirect property investments.

## Pre-Application Stakeholder Engagement

- 1.8 This planning application has been progressed following a series of pre-application meetings with KMDC. Discussions regarding the development of the Site have been ongoing with KMDC prior to the adoption of the Kirklees Local Plan in February 2019 and to date continue.
- 1.9 Deloitte Real Estate submitted a formal Environmental Impact Assessment (EIA) Screening Opinion to KMDC as the Local Planning Authority (LPA) in September 2018. A response was received from the LPA on 3 December 2018, which outlined that the application was not of the scale or significance of impact to necessitate an EIA. KMDC's response is appended to this Statement (Appendix B).

- 1.10 In addition to ongoing dialogue with KMDC, a programme of pre-application consultation has been undertaken in order to ensure that key stakeholders have had the opportunity to view the emerging proposals, to ask questions, to provide comments, and inform the preparation of the Proposed Development. This has included two public consultation events.
- 1.11 Further details regarding the above are included under the Community Consultation heading within Section 5 of this Statement. A full description of the pre-application stakeholder engagement process including responses to the key matters is set out with the Statement of Consultation submitted in support of the Application.

### The Proposed Development

- 1.12 The Site has not been previously developed. The Site is relatively flat and sits between 105m and 95m AOD, roughly at mid-level within the surrounding topography.
- 1.13 The Application seeks planning permission for the following development, from herein known as the "Proposed Development":
- "Outline planning application (all matters reserved except access), for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of an existing property, landscaping, drainage and other associated infrastructure."*
- 1.14 Further detail regarding the Proposed Development is provided at Chapter 3 of this Statement.

### Application Documentation

- 1.15 This Planning Statement should be read in conjunction with the following supporting documents submitted as part of this Application:

Document	Prepared by
Application form and certificates	Deloitte LLP
Planning Statement	Deloitte LLP
*Site Location Plan (including Red Line Boundary) (drawing ref: 00-501 Rev B)	Enjoy Design
*Parameters Plan (drawing ref: 00-211 Rev C)	Enjoy Design
Access Plan (Appendix G of the Transport Assessment) (drawing ref: A13398-T-002 Rev A)	Pell Frischmann
Illustrative Masterplan – Heybeck Valley (drawing ref: 00-001 Rev R)	Enjoy Design
Illustrative Masterplan – Heybeck Lane (drawing ref: 00-101 Rev D)	Enjoy Design
Demolition Plan of Existing Properties (drawing ref: 00-702)	Enjoy Design
Coal Mining Risk Assessment	Patrick Parsons
Design and Access Statement	Enjoy Design
Masterplan Framework Document	Enjoy Design
Health Impact Assessment	Deloitte LLP
Flood Risk Assessment and Drainage Strategy	Patrick Parsons
Noise Impact Assessment	Delta Simons
Landscape Appraisal	Re-form
Phase 1 Geo-Environmental Desk Study	Patrick Parsons
Statement of Consultation	Deloitte LLP

Sustainability Statement	<i>Delta Simons</i>
Transport Assessment	<i>Pell Frischmann</i>
Framework Travel Plan	<i>Pell Frischmann</i>
Arboricultural Impact Assessment	<i>Brooks Ecological</i>
Ecological Impact Assessment	<i>Brooks Ecological</i>
Ecological Summary Note	<i>Brooks Ecological</i>
Barn Owl Scoping Assessment and Report	<i>Brooks Ecological</i>
HSI Assessment and Report	<i>Brooks Ecological</i>
Ornithological Summary	<i>Brooks Ecological</i>
Bat Roost Suitability Assessment and Report	<i>Brooks Ecological</i>
Badger Assessment and Report	<i>Brooks Ecological</i>
Bat Activity Survey	<i>Brooks Ecological</i>
Water Vole Report	<i>Brooks Ecological</i>
Reptile Survey	<i>Brooks Ecological</i>
Hedgerow Assessment and Report	<i>Brooks Ecological</i>
Bat Emergence Survey	<i>Brooks Ecological</i>
Bat Roost Suitability Assessment	<i>Brooks Ecological</i>
Heritage Assessment	<i>Cotswold Archaeology</i>
WSI	<i>Magnitude Surveys</i>
Geophysical Survey Report	<i>Magnitude Surveys</i>

**\*Plans included for determination in the outline planning application.**

**Document Structure**

- 1.16 This Statement considers the proposals against the requirements of the Kirklees Local Plan and other material considerations, including the National Planning Policy Framework (NPPF) and associated Planning Practice Guidance (PPG).
- 1.17 The remainder of this Statement is structured as follows:
- **Section 2: Site and Surrounding Context** – describes the Site and its setting in the wider context;
  - **Section 3: The Proposed Development** – provides a detailed description of the development proposed by the Application;
  - **Section 4: Planning Policy Context** – sets out the planning policy framework which forms the basis for the consideration of the Proposed Development;
  - **Section 5: Key Planning Considerations** – examines the key planning matters and site-specific considerations relating to the Application, and provides details of how the Proposed Development will comply with the relevant policies and guidance; and
  - **Section 6: Summary and Conclusions** – summarises the case for the granting of Outline Planning Permission for the Proposed Development.

## 2 Site and Surrounding Context

- 2.1 This section of the Statement provides a brief description of the Site, the surrounding uses, and physical context.

### Site Location

- 2.2 The Site covers an area of approximately 7.05 hectares (ha) and is located in Chidswell, Dewsbury.
- 2.3 The Kirklees Local Plan Strategy and Policies document (2019) notes that for the purposes of assessing the distribution of housing, the strategic site of MXS7 (the Site allocation) at Chidswell is considered to be part of Dewsbury.
- 2.4 The Site is located to the east of the A653 Leeds Road dual carriageway, which is a strategic corridor between Dewsbury and Leeds. In the immediate vicinity of the Site, Leeds Road runs in a north-south direction, adjoining the A638 Wakefield Road and Junction 28 (the Tingley Interchange) of the M62 Motorway to the north. The A638 Wakefield Road links with the M1 Motorway Junction 40 to the east of the Site.
- 2.5 The Site lies within Batley East ward, which is within the metropolitan district of Kirklees.
- 2.6 The Site is located in close proximity to the settlements of Woodkirk and Shaw Cross. Both locations offer a range of services and facilities to meet the daily needs of its residents. Batley railway station is located 2.4 km to the west of the Site.

### Site Topography

- 2.7 The Site sits between 105m and 95m AOD, roughly at mid-level within the surrounding topography.

### Site Description

- 2.8 The Site comprises a mixture of arable and pastoral agricultural land that is divided by overgrown hedgerows and mature trees into four fields, and parts of a fifth. The Site has largely not been previously developed.
- 2.9 The northern and western boundaries of the Site are bounded by residential properties lining Heybeck Lane and Leeds Road. The properties comprise a mix of early and late 20<sup>th</sup> century bungalows and semi-detached properties.
- 2.10 As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the Site is characterised as Grade 3 Agricultural Land.

### Site-specific Designations

- 2.11 A Public Right of Way runs along the southern edge of the Site. This joins a Public Right of Way network that runs through arable farmland south and east of the Site. These footpaths connect to existing residential areas to the north, south and west.
- 2.12 There are no statutory landscape or ecological designations relating to the Site, however the Site is adjacent to an area identified as a Local Wildlife Site which is part of the Wildlife Habitat Network and is designated as Ancient Replanted Woodland (Dum Wood to the east of the boundary and Dogloitch Wood distant to the south east).
- 2.13 The Tree Survey prepared by Brooks Ecological and submitted in support of the application identifies that there are a number of individual and group Tree Preservation Orders located on the southern and south-eastern boundaries of the Site.
- 2.14 As per the Environment Agency Flood Map, the Site is characterised as Flood Zone 1 and therefore the Site is at low risk of fluvial flooding.
- 2.15 There are no designated heritage assets within the Site and it does not fall within a Conservation Area. There are a number of heritage assets (both designated and non-designated) which are in proximity to the Site:
- Toll Gates outside Toll Bar Cottage (to the south-west) (Grade II Listed);
  - Manor Farm Barn and 25-27 Baghill Road (to the north east) (all Grade II Listed);
  - The Church of St Paul (to the south west) (Grade II Listed);
  - Approximately 1.7km from the Site lies the Station Road, Batley Conservation Area.

### Planning History, including Promotion of the Site through Local Planning Policy

- 2.16 A planning history search for the Site has been undertaken using Kirklees Council's planning application search system. No previous planning applications of relevance for the Site have been identified.
- 2.17 There are two planning applications of note located to the south of the Site.

Planning reference	Description of development	Relevance to the Site and the Proposed Development
2019/62/92787/E	<i>Land at Owl Lane</i>  Erection of 252 dwellings with open space, landscaping and associated infrastructure.	<b>Proposed Development to the south west of the Site.</b>
Planning Portal reference: PP-08249826	<i>Land to the east of Leeds Road</i>  Outline planning application (all matters reserved except access), for the demolition of existing dwellings and the development of a phased, mixed use scheme comprising residential development (up to 1,354 dwellings), employment development, residential institution (C2) development, a local centre (comprising A1/A2/A3/A4/A5/D1/D2 uses), primary	<b>Application submitted simultaneously by C.C. Projects for land adjacent to the Site.</b>

Planning reference	Description of development	Relevance to the Site and the Proposed Development
	school, green space, access and other associated infrastructure	

2.18 The Site was allocated in the Kirklees Local Plan (2019) following the promotion of the wider strategic site through the statutory plan making process.

2.19 The Site is allocated as part of a larger residential and employment led mixed-use development within the Kirklees Local Plan (2019) (KLP19) (allocation site reference MXS7). The allocation description states:

- The allocation is for mixed use development comprising housing and employment land.
- The indicative capacity for housing is identified as 1,535 dwellings. The indicative employment capacity is 122,500 sq. m.
- The provision of a new 2 form entry primary school will be required on this site. Early Years and Childcare provision will also be required relating to this allocation.
- In accordance with KLP19 Policy LP13, 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 landscape character assessment has been undertaken for this site which should be considered in the development masterplan/ site proposals.
- The 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.
- Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas.
- A 20m buffer will be require to protect the ancient replanted woodlands at Dum Wood and Dogloitch Wood.

### Wider Site Context

2.20 The Spatial Development Strategy within KLP19 aims to facilitate the delivery of a minimum of 31,140 new dwellings by 2031 and the provision of 95 hectares of new employment land to achieve a 75% employment rate over the plan period.

2.21 Chidswell has been identified as a suitable location for new employment development within the KLP19, Leeds City Region Strategic Economic Plan and Kirklees Economic Strategy, as it is located along the M62 corridor to the north of Kirklees and the M1.

2.22 The wider objectives of the KLP19 have been considered in the development of the Parameter Plan and Illustrative Masterplan.

# 3 The Proposed Development

3.1 This Section should be read in conjunction with the submitted application drawings and supporting documents. It provides a summary of the key elements of the Proposed Development.

3.2 The description of development is as follows:

*"Outline planning application (all matters reserved except access), for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of an existing property, landscaping, drainage and other associated infrastructure."*

3.3 The Application includes a Parameter Plan (drawing ref: 00-211 Rev C) which set the parameters for a future detailed scheme and reflects the outcome of a range of technical assessments. The Parameter Plan outlines the following:

- Sets out the extents of the proposed land parcels and their intended uses;
- Sets the maximum building heights for the proposed dwellings;
- Identifies the proposed vehicular access point;
- Identifies the approximate location of an existing below ground sewer and its associated easement; and
- Identifies the location of the 20m buffer zone from the ancient replanted woodland to the application Site boundary. The buffer falls outside of the application boundary but is within the ownership of the Applicant.

3.4 The detailed design of the development including the layout and house types, will be determined at the Reserved Matters stage and will be provided by the future developer of the Site.

## Illustrative Masterplan and Parameter Plans

3.5 The Illustrative Masterplan (drawing ref: 00-101 Rev D) incorporates the development principles set out on the Parameter Plan (drawing ref: 00-211 Rev C), and takes into account a range of technical reports prepared for the Site. It illustrates how the Site might be suitably and appropriately developed within the fixed parameters. It includes:

- Development of up to 181 homes ranging in size, type and tenure;
- Provision of a vehicular access point from Heybeck Lane;
- New pedestrian links and cycle links to ensure effective connectivity through non-car modes;
- Development of up to 10,302 sq. m. of publically accessible open space;
- Landscape planting buffer along the boundaries of the Site to respect the privacy of the local residents and minimise the visual impact;
- Retention of the Public Right of Way;

- Retention of key woodland block (Dum Wood) and the inclusion of a landscape buffer to protect the ancient replanted woodland; and
- Associated easement to the existing below ground sewer is highlighted and dwellings are positioned outside of the easement zone.

3.6 The Design and Access Statement explains how the illustrative layout has evolved, having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission.

### Design

- 3.7 The illustrative design solution follows a considerable period of design development which involved consultation with a range of specialist consultants, the landholder and various departments within KMDC.
- 3.8 The detailed design for the Proposed Development has not been finalised, and Outline Planning Permission only is being sought. The detailed design and layout will come forward under Reserved Matters submissions.

### Height and Massing

- 3.9 The proposed dwellings range between 10m and 12m in height from the finished floor level, which is equivalent to up to 3 storeys in height. This will provide some flexibility, but it's anticipated that by far the majority of the dwellings will be less than 3 storeys in height.
- 3.10 The maximum height of the dwellings are in keeping with the local character and scale. They vary according to the proximity to existing dwellings around the periphery of the Site, as set out on the Parameter Plan (drawing ref: 00-211 Rev C).

### Transport and Access

- 3.11 The Site is located to the east of the A653 Leeds Road dual carriageway, which is a strategic corridor between Dewsbury and Leeds. In the immediate vicinity of the Site, Leeds Road runs in a north-south direction, adjoining the A638 Wakefield Road and Junction 28 (the Tingley Interchange) of the M62 Motorway to the north. The A638 Wakefield Road links with the M1 Motorway Junction 40 to the east of the Site.
- 3.12 Dewsbury Railway Station is located approximately 3.5 km to the south-west of the Site. Batley Railway Station is located approximately 2.5 km west of the Site. Both railway stations provide services to Leeds and Huddersfield and can be accessed via existing bus routes and bus stops. Batley provides a further service to Southport, whilst Dewsbury provides services to Manchester Airport, Manchester Piccadilly, Middlesbrough and Hull. Dewsbury Railway Station also has a dedicated public transport interchange facility, located directly outside the station.
- 3.13 The Site is within the Leeds Metro Rail Zonal fare system with the border of zones 2 and 3 between Batley and Dewsbury Railway Stations.
- 3.14 Various bus stops are located on the roads surrounding the Site, providing connections to major employment areas and town centres in the Kirklees District and beyond, including Dewsbury, Huddersfield, Wakefield and Leeds.

- 3.15 Access to the Site is gained from a proposed opening on Heybeck Lane, achieved through the demolition of an existing house. A Demolition Plan (drawing ref: 00-702) has been submitted with this Application which shows the location of the property to be demolished to provide access to the Site. The property falls within the red line application boundary and is within the ownership of the Applicant.
- 3.16 The proposed site access junction has been agreed in principle with the KMDC Highways department.

### Landscaping and Drainage

- 3.17 The landscaping design concept has evolved around four design principles:
- Acknowledgement of the Site's landscape character and existing biodiversity;
  - Promotion of pedestrian and cycling links including the incorporation of the existing Public Right of Way to improve the Site's permeability;
  - Preservation of the belt of trees which flanks the existing Public Right of Way and existing hedgerows/trees which cross the site in a north-south direction; and
  - Preservation of the existing ancient replanted woodland and the inclusion of a 20m buffer zone from the application Site boundary.
- 3.18 The detailed landscape design including boundary treatment and the position and design of the proposed open space will be agreed at Reserved Matters Stage.
- 3.19 The Flood Risk Assessment and Drainage Strategy accompanying the application identifies that the Site is located within Flood Zone 1 and is therefore assessed as having 0.1% (1 in 1000) chance of flooding occurring each year.
- 3.20 The Drainage Strategy concludes that discharging to the watercourse will be the most appropriate method of surface water management for the Proposed Development. It is proposed to be at a restricted flow and shared over three outfalls.
- 3.21 The foul drainage will discharge to the public combined sewer that crosses the Site.

# 4 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

4.2 This section of the Statement sets out the planning policy framework (comprising the Development Plan and material considerations) which forms the basis for the consideration of the Proposed Development.

4.3 A summary of the key policies contained in these documents is set out below. These policies are reviewed in further detail in Section 5 of this Statement, which examines the key planning considerations and site-specific matters relevant to the determination of the Application.

## Local Planning Policy

4.4 The Development Plan comprises:

- Kirklees Local Plan Strategy and Policies Document (2019);
- Kirklees Local Plan Allocations and Designations (2019); and
- Policies Map (2019).

## Kirklees Local Plan 2019

4.5 The Kirklees Local Plan (“KLP19”) sets the spatial vision, objectives and strategic growth to 2031. The Local Plan covers the administrative area of Kirklees Council except for that part within the Peak District National Park. The aim of the Local Plan is to set out the key elements of the planning framework for Kirklees, and explain the approach to its long term physical development to achieve the Council’s vision of what sort of place Kirklees wants to become.

4.6 The Local Plan is set out in two parts: Part 1 ‘Strategy and Policies’ which contains the spatial strategy and development management policies and Part 2 ‘Allocations and Designations’ which sets out the allocations and designations included in the Local Plan.

4.7 The Site is included within an allocation for mixed use development in the KLP19 (site reference MXS7). The gross site area for the allocation totals 120.78 ha.

4.8 There are a number of policies within the KLP19 relevant to the consideration of the Application, which are set out below.

- **Policy LP1: Presumption in favour of sustainable development** states that the council will take a positive approach that reflects the presumption in favour of sustainable development contained within the NPPF. The Policy states that the council will work proactively with applicants to find solutions which means that proposals can be

approved. Proposals that accord with the policies in the KLP19 will be approved without delay, unless material considerations indicate otherwise.

- **Policy LP2: Place shaping** advises that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan.
- **Policy LP3: Location of new development** explains that all development will be required to reflect the Spatial Development Strategy, Policy LP1 and Policy LP2.
- **Policy LP4: Providing infrastructure** states that the council will work with partners to bring forward the infrastructure that is required in order to deliver the spatial strategy as set out in the KLP19. Additionally it states that new development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability. This may be achieved through planning conditions and/or through contributions to the Community Infrastructure Levy (CIL).
- **Policy LP5: Masterplanning sites** advises that masterplans must involve all the relevant stakeholders and be developed in consultation with the council prior to the submission of a planning application. Additionally masterplans would only be sought where feasible and appropriate.
- **Policy LP7: Efficient and effective use of land and buildings** outlines the expectations for housing density. Developments should achieve a net density of at least 35 dwellings per hectare, where appropriate.
- **Policy LP11: Housing Mix and Affordable Housing** states that all proposals for housing will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need. For schemes of more than 10 dwellings, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. The policy sets the affordable housing requirement at 20% and this percentage will be sought unless it can be demonstrated through viability evidence that the required figure would render the scheme unviable.
- **Policy LP20: Sustainable travel** states that new development will be expected to be located and designed to reduce the need to travel. Proposals will be required to facilitate the needs of the following user hierarchy: a) pedestrians; b) cyclists; c) public transport; d) private vehicles.
- **Policy LP21: Highways and access** states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively by all users. Adequate information and mitigation measures are needed to avoid any detrimental impact on highway safety and the local highway network.
- **Policy LP22: Parking** explains that car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of development. Provision should be made to meet the needs of cyclists for cycling parking.
- **Policy LP24: Design** expects development to be of high quality design and provide a high standard of amenity for future and neighbouring occupiers. High levels of sustainability should also be incorporated.
- **Policy LP26: Renewable and low carbon energy** outlines a set of criteria which must be met for renewable and low carbon energy proposals. Where the criteria can be met

the Council encourages dialogue with local community groups promoting community renewable and low carbon energy schemes.

- **Policy LP28: Drainage** explains that there is a presumption that Sustainable Drainage Systems (SuDS) will be used and for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded.
- **Policy LP29: Management of water bodies** states that where it is proposed to develop a site already containing a water area, this should normally be retained as part of the proposal and include a future management plan for the maintenance of the water area.
- **Policy LP30: Biodiversity & Geodiversity** advises that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees.
- **Policy LP32: Landscape** states that proposals should be designed to take into account and seek to enhance the landscape character of the area.
- **Policy LP33: Trees** explains that the Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.
- **Policy LP34: Conserving and enhancing the water environment** outlines that proposals must ensure no deterioration of water courses or water bodies by conserving and enhancing where practicable. Surface water should also be disposed of appropriately and the KLP19 provides a list of networks in order of preference.
- **Policy LP47: Healthy, active and safe lifestyles** states that the Council will, with its partners, create an environment which supports healthy, active and safe communities and reduced inequality. This will be enabled in a number of ways including increasing access to green spaces, encouraging more sustainable travel choices and encouraging initiatives to promote energy efficient homes.
- **Policy LP51: Protection and improvement of local air quality** explains that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.
- **Policy LP63: New open space** states that the Council will seek to secure well-designed new and improved open space, sport and recreation facilities to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle.

## Material Considerations

4.9 The following national and local planning policy and guidance documents represent material considerations in the determination of the Application:

- National Planning Policy Framework (NPPF) 2019;
- Planning Practice Guidance ('live' document);
- National Design Guide (2019);
- Affordable Housing (SPD2) (2008) and Interim Affordable Housing Policy (2020);
- Highway Design Guide SPD (2019);
- Leeds City Region Strategic Economic Plan 2016-2036 (2016);

- Kirklees Economic Strategy 2019-2025 (2019);
- North Kirklees Growth Zone (2017); and,
- Dewsbury Strategic Development Framework (2018).

## National Policy and Guidance

### National Planning Policy Framework (NPPF)

4.10 The National Planning Policy Framework (NPPF) was last updated in June 2019 and sets out the Government's planning policies for England and how these are expected to be applied. It requires planning policies to meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. The NPPF must be taken into account in the preparation of local and neighbourhood plans, which must be in accordance with the NPPF. The NPPF is a material consideration in the determination of all planning applications.

4.11 At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The NPPF notes there are three dimensions to sustainable development:

- **Economic** – the NPPF outlines the Government's commitment to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and co-ordinating the provision of infrastructure.
- **Social** – the NPPF aims to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.
- **Environmental** – the NPPF outlines how the planning system will contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.12 When considered in their entirety, these three dimensions inter-define sustainable development.

4.13 Paragraph 10 of the NPPF states that so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. For decision making, paragraph 11 makes clear that this means '*approving development proposals that accord with an up-to-date development plan without delay.*'

4.14 In addition to the overarching objective of achieving sustainable development, the NPPF contains chapters setting out more detailed policies relating to specific planning considerations. The chapters which are most relevant to the Application are:

- 5. Delivering a sufficient supply of homes
- 8. Promoting healthy and safe communities
- 9. Promoting sustainable transport

- 12. Achieving well-designed places
- 14. Meeting the challenge of climate change, flooding and coastal change
- 15. Conserving and enhancing the natural environment
- 16. Conserving and enhancing the historic environment

4.15 The NPPF also includes guidance on pre-application engagement and consultation with the Local Planning Authority (LPA), the public, and other relevant bodies.

### **Planning Practice Guidance**

4.16 The Planning Practice Guidance ("PPG") was first published in March 2014 and sets out advice, information and best practice on a wide range of planning issues, with the overall objective of becoming a single source for planning guidance which will be maintained as a live resource.

4.17 The document aims to fulfil the wider objective of successive governments since 2010 to make the planning system simpler, clearer and easier for people to use. This guidance was developed following a detailed review of planning policy guidance through the Taylor Review between October and December 2012 which considered ways to streamline policy.

### **National Design Guide**

4.18 The National Design Guide was published in October 2019. This addresses the question of how we recognise well-designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. These include: context, identity, built form, movement, nature, public space, uses, homes and buildings, resources and lifespan.

4.19 The National Design Guide is based on national planning policy, practice guidance and objectives for good design as set out in the National Planning Policy Framework. However, it also notes that specific, detailed and measurable criteria for good design are most appropriately set out at the local level.

### **Local Policy and Guidance**

#### **Kirklees Interim Affordable Housing Policy (2020)**

4.20 The Kirklees Interim Affordable Housing Policy 2020 (KIAHP20) supersedes the Interim Affordable Housing Policy 2016 and provides guidance on how current identified affordable housing needs should be secured in accordance with KLP19 Housing Mix Policy (LP11).

4.21 A district-wide assessment of the economic viability of land for housing has shown that, for market housing schemes in Kirklees, 20% of the total units on sites should be provided as affordable housing. The policy document states that the proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal.

4.22 Additionally the policy document requires the type of affordable housing to reflect latest housing evidence in terms of the requirement for type, tenure, size and suitability and to incorporate appropriate arrangements to retain the benefits of affordability for initial and

subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision.

#### **Highway Design Guide SPD (2019)**

- 4.23 The Highway Design Guide SPD was adopted on 4 November 2019. It promotes high standards of highway design that reflects nationally recognised best-practice, and facilitates the delivery of high quality developments in Kirklees.
- 4.24 Its purpose is to support the priorities set out in the KLP19 and provide advice on how applicants can bring forward policy-compliant schemes.

#### **Leeds City Region Strategic Economic Plan 2016 – 2036 (2016)**

- 4.25 The West Yorkshire Combined Authority and Leeds City Region Enterprise Partnership created a long-term Strategic Economic Plan which outlines the vision for the City Region up to 2036. The key aims of the economic plan are for the City Region to:
- Create upwards of 35,000 additional jobs and an additional £3.7 billion of annual economic output by 2036;
  - Become a positive, above average contributor to the UK economy;
  - Seek to exceed the national average on high level skills and to become a NEET (not in employment, education or training)-free City Region; and,
  - Make a good progress on Headline Indicators of growth and productivity, employment, earnings, skills and environmental sustainability.
- 4.26 The Leeds City Region Strategic Economic Plan (LCRSEP16) identifies Chidswell as a major employment growth opportunity and lists it as a 'spatial priority area' for employment. Dewsbury is identified as an area for housing growth.

#### **Kirklees Economic Strategy 2019 – 2025 (2019)**

- 4.27 The Kirklees Economic Strategy 2019 – 2025 (KES19) was approved by Full Council on 20 March 2019 and replaced the 2014 Kirklees Economic Strategy.
- 4.28 The KES19 has five priorities which will help to deliver KMDC's vision for an inclusive and productive economy:
- Modern, Innovative Business;
  - Skilled and Ambitious People;
  - Active Partnerships;
  - Advanced Connectivity and Infrastructure; and,
  - Revitalising and Promoting Key Centres.
- 4.29 The KES19 focuses on creating sustained economic growth and delivering a mix of housing types and tenures to meet local needs and appeal to the skilled workers. This will include building 10,000 homes within 5 years.

### **North Kirklees Growth Zone (2017)**

- 4.30 The North Kirklees Growth Zone (NKGZ) is located at the centre of West Yorkshire and has good connections to the Leeds City Region and Northern Powerhouse. The NKGZ offers the potential for economic growth and will contribute to higher productivity and employment within the City Region.
- 4.31 Chidswell has been identified as an area for employment growth and residential growth within the NKGZ with 35 hectares of land being promoted for businesses to create c. 2,500 jobs and over 1,500 new homes.

### **Dewsbury Strategic Development Framework (2018)**

- 4.32 The Dewsbury Strategic Development Framework (DSDF18) sets out a 25 year vision for the town centre, supported by a delivery programme that includes projects and actions over 2018 – 2023.
- 4.33 The DSDF18 highlights that Dewsbury town centre is located within the NKGZ. The NKGZ objectives include focusing on housing and economic growth.

### **Summary**

- 4.34 The KLP19 and all material considerations identified above have been considered, where appropriate, in the preparation of the Application and evolving the design of the development, alongside site-specific considerations. Policies and guidance contained within these documents are assessed in more detail within this Statement at Section 5 and within other technical reports submitted with the Application.

# 5 Key Planning Considerations

- 5.1 This section identifies and summarises the key planning considerations and site-specific matters relevant to the determination of the Application.
- 5.2 It identifies the planning policies and guidance which relate to these considerations and provides details of how the Proposed Development will comply with these requirements. The full wording of relevant planning policies is provided in Appendix A, alongside summaries of the relevant National Planning Policy Framework (NPPF) chapters.

## Principle of Development

### Policy and Guidance

- 5.3 The Site falls within an allocation for mixed-use development in the *KLP19* under *Policy Site MXS7*, which states:

<b>Site address</b>	<b>Land east of, 932-1110 Leeds Road, Shaw Cross/Woodkirk, Dewsbury</b>
<b>Ownership</b>	<i>Private</i>
<b>Gross site area (Ha)</b>	<i>120.78</i>
<b>Net site area (Ha)</b>	<i>114.59 – UK BAP Priority Habitat removed from the developable area</i>
<b>Constraints</b>	<ul style="list-style-type: none"> <li>• <i>Third party land required for access</i></li> <li>• <i>Multiple access points required</i></li> <li>• <i>Public rights of way cross the site</i></li> <li>• <i>Additional mitigation on the wider highway network may be required</i></li> <li>• <i>Power lines cross the site</i></li> <li>• <i>Multiple watercourses cross the site</i></li> <li>• <i>Air quality issues</i></li> <li>• <i>Noise source near site</i></li> <li>• <i>Odour source near site</i></li> <li>• <i>Potentially contaminated land</i></li> <li>• <i>Part of the site lies within a UK BAP priority habitat</i></li> <li>• <i>Site is within the Wildlife Habitat Network</i></li> <li>• <i>Part of the site contains a Habitat of Principal Importance</i></li> <li>• <i>Site is close to an archaeological site</i></li> <li>• <i>Part/all of the site is within a High Risk Coal Referral Area</i></li> </ul>
<b>Allocation</b>	<i>Mixed use – housing and employment</i>
<b>Indicative capacity: Housing</b>	<i>1,535 dwellings</i>
<b>Indicative capacity: Employment (sq.m)</b>	<i>122,500</i>

<p><b>Reports/commentary</b></p>	<ul style="list-style-type: none"> <li>• <i>Transport Assessment</i></li> <li>• <i>Travel Plan</i></li> <li>• <i>Flood Risk Assessment</i></li> <li>• <i>Drainage masterplan required</i></li> <li>• <i>Air Quality Impact Assessment</i></li> <li>• <i>Noise assessment</i></li> <li>• <i>Odour assessment</i></li> <li>• <i>Contamination report (Phase 1)</i></li> <li>• <i>Ecological Assessment</i></li> <li>• <i>Predetermination archaeological assessment</i></li> <li>• <i>Health Impact Assessment</i></li> <li>• <i>Coal Mining Risk Assessment</i></li> </ul>
<p><b>Other site specific considerations</b></p>	<ul style="list-style-type: none"> <li>• <i>Landscape character assessment has been undertaken for this site which should be considered in the development masterplan/site proposals.</i></li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> <li>• <i>The provision of a new 2 form entry primary school will be required on this site.</i></li> <li>• <i>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.</i></li> <li>• <i>Early Years and Childcare provision will also be required relating to this allocation.</i></li> <li>• <i>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).</i></li> <li>• <i>Residential amenity will need safeguarding through sensitive siting of buildings and landscape buffer areas.</i></li> <li>• <i>Adjacent to cycling network.</i></li> <li>• <i>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.</i></li> <li>• <i>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.</i></li> </ul>

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|--|---|
|  | <ul style="list-style-type: none"><li>• <i>A masterplan is required for this site to be prepared in accordance with policies in the Local Plan.</i></li><li>• <i>A buffer will be required to protect the ancient woodlands at Dum Wood and Dogloitch Wood.</i></li></ul> |
|--|---|

5.4 Paragraph 8.6 of the *KLP19* outlines the Local Plan housing requirement as a minimum of 31,140 homes over the plan period from 2013 to 2031. This equates to an annual housing requirement of 1,730 new homes per annum.

5.5 *KLP19 Policy LP3: Location of new development* advises that development should reflect the settlement's size and function; place shaping strengths, opportunities and challenges for growth; spatial priorities for urban renaissance; and, the need to provide for new homes and jobs. In addition, it states that development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account of the housing and job requirements set out in the Local Plan.

5.6 Chapter 5 of the NPPF, *Delivering a sufficient supply of homes* (paragraphs 59 to 79) outlines the need to provide high quality homes, widen opportunities for home ownership and create sustainable communities. It identifies that the mix of housing should be based on demographic trends and market trends, and that there is an appropriate mix of size, type and tenure of housing to meet local demands.

5.7 This Chapter also presents a clear objective of significantly boosting the supply of homes. In achieving this, paragraph 59 states that:

*...it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*

### **Compliance of the Proposed Development**

5.8 The proposals have been the subject of pre-application discussion with KMDC and have been welcomed in principle by the LPA, as indicated by the Site's allocation under Policy Site MXS7, which establishes the principle of residential development at the Site.

5.9 In terms of meeting the requirements set out under the allocation, the Illustrative Masterplan (drawing ref: 00-101 Rev D) and Parameter Plan (drawing ref. 00-211 Rev C) set out how the proposals will include:

- Development of up to 181 dwellings and will provide an appropriate mix of size, type and tenure. The mix of housing will be subject to a future Reserved Matters submission;
- Vehicular access from Heybeck Lane;
- New pedestrian and cycle links;
- Integrated publically accessible open space including designated play area; and,
- Retention of key woodland block (Dum Wood), associated buffer zone, and retention of

the existing Public Right of Way.

- 5.10 The constraints listed and other site considerations in Policy MXS7 have been considered in the preparation of the Proposed Development. The application is supported by a range of technical assessments, which establish the impact of the development on site specific considerations and the constraints. The reports listed within the allocation policy have been prepared and are submitted with this Application.
- 5.11 The Proposed Development will provide up to 181 dwellings and will contribute positively to the Local Plan housing requirement set out in Paragraph 8.6 of KLP19.

## Contribution to Sustainable Development

### Policy and Guidance

- 5.12 *KLP19 Policy LP1: Presumption in favour of Sustainable Development* aims to secure sustainable development in Kirklees. The Policy states that KMDC will work proactively with applicants to find solutions which mean that proposals can be approved wherever possible, and that proposals that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.
- 5.13 The *NPPF* states at paragraph 10 that at the heart of the document is a presumption in favour of sustainable development. This encompasses economic, social and environmental objectives. For decision-taking this means approving development proposals that accord with an up-to-date Development Plan without delay.
- 5.14 Paragraph 54 of the *NPPF* states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Paragraph 57 explains where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable.

### Compliance of the Proposed Development

- 5.15 The Proposed Development will provide a range of benefits which will meet the economic, social and environmental strands of sustainable development as set out in the *NPPF*. These benefits include:
- The delivery of up to 181 new homes, which will make an important contribution to the district's housing requirements including affordable need;
  - New jobs will be created through construction and within the local supply chain;
  - New pedestrian and cycle links are proposed;
  - The scheme has the potential to deliver a net gain in biodiversity; and
  - Provision of 10,302 sqm of publically accessible open space on previously private land.
- 5.16 Further details of the Proposed Development's contribution to sustainable development in Kirklees and its compliance with specific elements of the criteria set out in *KLP19* Policy LP1 and the *NPPF* are provided under the headings below.

## Design

### Policy and Guidance

- 5.17 *KLP19 Policy LP24: Design* seeks to ensure that good design is at the core of all proposals and to secure high quality, green, accessible, inclusive and safe design.
- 5.18 *KLP19 Policy LP32: Landscape* states that development should be designed to take into account and seek to enhance the landscape character of the area.
- 5.19 *NPPF Chapter 12. Achieving well-designed places* (paragraphs 124 to 132) states that the planning process is fundamental to creating high-quality buildings and places. The NPPF goes on to state that good design is key to sustainable development and contributes to creating better places in which to live and work.
- 5.20 The *PPG*<sup>1</sup> stresses the importance of good design and that planning should drive up standards across all forms of development at paragraphs 001 (Reference ID: 26-001-20140306) to 042 (Reference ID: 26-042-20140306) (revision date 6 March 2014). As a core planning principle, plan-makers and decision-takers should always seek to ensure high quality design through creating places, buildings or space that work well for everyone, look good, last well and will adapt to the need of future generations.
- 5.21 The *PPG* references pre-application discussions, Design and Access Statements and Design Reviews as some of the methods that can be used to achieve good design.
- 5.22 The National Design Guide (2019) sets out the characteristics of well-designed places and demonstrates what good design means in practice. It identifies characteristics of well-designed places: context; identity; built form; movement; nature; public spaces; uses; homes and buildings; resources; and, lifespan.

### Compliance of the Proposed Development

- 5.23 The Application is accompanied by a Masterplan Framework and a Design and Access Statement. The Masterplan Framework sets out the design rationale for the allocation as a whole and the design and access statement explains the design approach to the planning Application. The outcome of the design process explained in these documents is fixed through a series of Parameter Plans and developed further showing a potential design response through a comprehensive Illustrative Masterplan (drawing ref: 00-001 Rev R) for the Leeds Road and Heybeck Lane developments.
- 5.24 The Design and Access Statement explains how the Parameter Plans have developed and the illustrative layout has evolved, having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission. The following constraints and opportunities were taken forward within the design proposals:
- The existing Public Right of Way that crosses the Site has been protected and new pedestrian connectivity is promoted within the Site, linking with the wider countryside to

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<sup>1</sup> Department for Communities and Local Government (DCLG), 2014. Accessed at <https://www.gov.uk/guidance/design>.

the east and the Local Centre proposed in the Land to the East of Leeds Road application.

- The existing hedgerows and tree belts which cross the Site will be retained where possible within green corridors to enhance wayfinding, preserve biodiversity and add character to the design.
- An existing foul sewer dissects the Site and an appropriate 6m easement has been retained.
- A development buffer is proposed to protect the adjacent replanted ancient woodland, Dum Wood.
- There are long range views both into and out of the Site which have been considered through the preparation of the Illustrative Masterplan, particularly in relation to utilising field patterns created by north-south hedgerows, and proposing new planting where required.
- The existing belt of trees located along the southern boundary provides an existing landscape buffer and is an important feature which defines the Public Right of Way and has been retained.
- The angular proportions of the land provides an opportunity to create a central focal point for the development in the form of publically accessible open space.

5.25 The Illustrative Masterplan (drawing ref: 00-101 Rev D) layout draws on the guidance set out within the recently adopted National Design Guide. The proposed land parcels adopt a coherent pattern of development that responds to the Site's topography and aspect. Pedestrian and vehicular movement routes are distinctive and easy to negotiate through strong lines of sight and use of open aspect.

5.26 Details submitted as part of subsequent Reserved Matters submissions will demonstrate how the proposals use high quality design and construction methods with carefully selected materials to create a well-designed residential community.

5.27 It is therefore considered that the Proposed Development accords with the requirements of Local and National Planning Policy and guidance with respect to design considerations.

## Promoting healthy and safe communities

### Policy and Guidance

5.28 *KLP19 Policy LP47: Healthy, active and safe lifestyles* states that the council will, with its partners create an environment which supports healthy, active and safe communities and reduces inequality. Health Impact Assessments will be carried out for all proposals that are likely to have a significant impact on the health and well-being of local communities, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.

5.29 KLP19 Policy LP24: Design promotes that new developments are designed in a way which reduced crime, anti-social behaviour and the fear of crime.

5.30 *NPPF Chapter 8. Promoting healthy and safe communities* (paragraphs 91 to 101) sets out that development should promote social interaction and should be safe and accessible,

reducing crime and the fear of crime. In addition, proposals should encourage and support healthy lifestyles through provision of safe and accessible green infrastructure and layouts that encourage walking and cycling. Developments should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.

5.31 Paragraph 91 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

*a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*

*b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and*

*c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.*

### **Compliance of the Proposed Development**

5.32 The Proposed Development has been developed with consideration for health impact and ensuring a safe and secure site for future residents by:

- The creation of new pedestrian and cycle links through the Site and to the wider countryside beyond;
- The provision of publically accessible open space illustratively located within the centre of the site ensuring natural surveillance;
- A layout that provides natural surveillance and clear connections throughout the Site; and,
- The provision of new trees, shrubs and habitat planting.

5.33 At detailed design stage further consideration will be given to these policy objectives.

5.34 The Proposed Development is therefore in compliance with the requirements of the NPPF and KLP19 in seeking to promote healthy and safe communities.

### **Transport and Access**

#### **Policy and Guidance**

5.35 *KLP19 Policy LP20: Sustainable travel* states that new development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car.

- 5.36 *KLP19 Policy LP20: Sustainable travel* outlines a transport user hierarchy which proposals will be required to facilitate the needs of:
- a. Pedestrians
  - b. Cyclists
  - c. Public transport
  - d. Private vehicles
- 5.37 *KLP19 Policy LP21: Highways and access* states that proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Proposals will be expected to demonstrate adequate information and mitigation measures to avoid any detrimental impact on highway safety and the local highway network. Proposals must also consider any impacts on the Strategic Road Network.
- 5.38 *KLP19 Policy LP22: Parking* outlines that the provision of parking will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development. Additionally new developments should meet the needs of cyclists for cycle parking in new developments.
- 5.39 *NPPF Chapter 9. Promoting sustainable transport* (paragraphs 102 to 111) requires proposals to promote walking, cycling and public transport, and states that patterns of movement, streets, parking and other considerations should be integral to the design of schemes. Proposals should also consider the potential impacts of the development on transport networks.
- 5.40 The *PPG* sets out the overarching principles behind Travel Plans, Transport Assessments and Statements which are methods of assessing and mitigating the negative transport impacts of the development in order to promote sustainable development. LPAs must make a judgement as to whether a development proposal would generate significant amounts of movement on a case-by-case basis.

### **Compliance of the Proposed Development**

- 5.41 The Application is supported by a Transport Assessment (TA) and a Framework Travel Plan (FTP) prepared by Pell Frischmann. The TA covers the whole allocation, but considers the implications of the Application individually.
- 5.42 The Proposed Development has been designed so that safe and suitable access to the Site can be provided. Access to the Site is gained from a proposed opening on Heybeck Lane, achieved through the demolition of an existing house, as shown on the Site Access Plan appended to the Transport Assessment (Appendix G, drawing ref: A13398-T-002 Rev A).
- 5.43 The access arrangements for the Site have been agreed with the local highway authority.
- 5.44 As well as the junction off Heybeck Lane pedestrian access to the Site can be gained from the south via a new cycle/pedestrian connection between the Site and Leeds Road and a network of pedestrian routes proposed within the wider allocated land.

- 5.45 The methodology and content of the TA was developed through a scoping process during 2018 and 2019 with Kirklees Council, Leeds City Council, Wakefield Council, and Highways England. A multi-modal trip generation assessment has been undertaken to assess the impact of the Proposed Development on the local highway network to make forecasts of generated (person) trip numbers.
- 5.46 It is concluded that the traffic impacts of the Heybeck Lane development can be generally accommodated within the overall existing highway network capacity, without the cause for any mitigation. There are some specific issues of network capacity which exist in the absence of any Proposed Development but the traffic impact of the Heybeck Lane development alone is considered to be negligible.
- 5.47 As far as possible, future trips from the Proposed Development will be encouraged to take place through sustainable and active travel modes by design and location of the Site, but further reinforced by the FTP which will be in place. Existing and future bus, rail and local active travel options (such as walking and cycling) will ensure that the impacts of the Proposed Development are minimised, and that residents, visitors and employees have the maximum choice of travel options.
- 5.48 It is therefore considered that the Proposed Development accords with the requirements of Local and National planning policy and guidance with respect to transport and access considerations.

## Flood Risk and Drainage

### Policy and Guidance

- 5.49 *KLP19 Policy LP24: Design* states that proposals should promote good design by ensuring that buildings are resilient and resistant to flood risk and development should be acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate.
- 5.50 *KLP19 Policy LP27: Flood Risk* proposes that development will need to demonstrate that it has been directed to areas at the lowest probability of flooding. Additionally proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy.
- 5.51 *KLP19 Policy LP28: Drainage* states that there is a presumption that Sustainable Drainage Systems (SuDS) will be used to assist in achieving typical greenfield run-off rates and ensuring that there is no negative impact on local water quality. Development will only be permitted if it can be demonstrate that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.
- 5.52 Chapter 14 of the NPPF, *Meeting the challenge of climate change, flooding and coastal change* (paragraphs 148 to 169) sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the re-use of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 5.53 Paragraphs 155 to 165 address planning and flood risk. This section of Chapter 14 provides details regarding strategic planning to manage and minimise flood risk, by avoiding inappropriate development and applying a sequential, risk-based approach when assessing plans and development proposals.

### **Compliance of the Proposed Development**

- 5.54 A Site-Specific Flood Risk Assessment has been prepared by Patrick Parsons and is submitted with the Application. The Flood Risk Assessment identifies that the Site is located in Flood Zone 1 and is therefore at low risk of fluvial flooding.
- 5.55 Surface water runoff will be discharged to the appropriate local unnamed water courses located outside the Site boundary to the southern boundary.
- 5.56 Yorkshire Water have advised that foul flows can be discharged to the public combined sewer recorded crossing the Site's south eastern corner.
- 5.57 At detailed design stage, a surface water drainage system will be incorporated into the design to maintain current greenfield runoff rates and provide suitable drainage with appropriate water quality benefits and treatments before infiltrating into the ground.
- 5.58 The Proposed Development therefore demonstrates accordance with the requirements of Local and National planning policy and guidance with respect to flood risk and drainage considerations.

### **Green Infrastructure, Ecology, Agriculture**

#### **Policy and Guidance**

- 5.59 *KLP19 Policy LP5: Masterplanning sites* states that masterplans will be expected to include a green infrastructure strategy, providing an integrated network of green spaces.
- 5.60 *KLP19 Policy LP32: Landscape* states that proposals should be designed to take into account and seek to enhance the landscape character of the area.
- 5.61 *KLP19 Policy LP30: Biodiversity & Geodiversity* explains that the council will seek to protect and enhance the biodiversity and geodiversity of Kirklees. Development proposals will be required to result in no significant loss or harm to biodiversity in Kirklees and provide net biodiversity gains through good design.
- 5.62 Chapter 15 of the NPPF, *Conserving and enhancing the natural environment* (paragraphs 170 to 183) identifies numerous ways in which Planning policies and decisions can contribute to and enhance the natural and local environment. It states that new development should minimise impacts on ecology, and should provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 5.63 *NPPF Paragraph 170(b)* outlines that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, including the economic and other benefits of the best and most versatile agricultural land.

## Compliance of the Proposed Development

- 5.64 The green infrastructure requirements have been considered for the whole allocation, to ensure that an integrated network of green spaces is provided. Within this framework, individual proposals have been put forward for the Application Site.
- 5.65 A Landscape Appraisal has been prepared as part of the Application. The proposals have been formed by the north-south hedgerow pattern in defining development areas, seek to retain the strong network of trees and hedgerows that flank the Public Right of Way, illustrate the potential for a central area of publically accessible open space, provide a 20m buffer to Dum Wood, and provide sufficient space within the site to ensure that a network of green infrastructure can be integrated at detailed design stage.
- 5.66 A suite of ecological studies have been prepared by Brooks Ecological to provide information on the Site's ecological value and to inform the preparation of the scheme design. The surveys demonstrate that the Site is generally of a low value habitat. The surveys concluded that the site had very limited value for bats, and there were no Great Crested Newts, Barn Owls, Badgers, Water Vole or reptiles on Site.
- 5.67 The Ecological Summary Note sets out an assessment of the potential of the Leeds Road and the Site to achieve a net gain in biodiversity based on the Parameter Plans and the illustrative design option for both sites articulated in the comprehensive Illustrative Masterplan (drawing ref: 00-001 Rev R). It concludes that a biodiversity net gain can be achieved, but that the assessment will need to be undertaken again at the detailed stage alongside the preparation of a landscape masterplan and biodiversity management plan.
- 5.68 As per the Agricultural Land Classification Map for the Yorkshire and the Humber region (ref 10-111c), the Site is characterised as Grade 3 Agricultural Land. However, the proposals are considered to be supported in principle by the LPA as indicated by the Site's allocation for development which establishes the principle of development at this location.
- 5.69 The Proposed Development complies with the policy requirements of *KLP19* and *NPPF* policies in promoting increased biodiversity value and access to wildlife.

## Open Space Provision

### Policy and Guidance

- 5.70 *KLP19 Policy LP47: Healthy, active and safe lifestyles* states that healthy, active and safe lifestyles will be enabled by facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities.
- 5.71 *KLP19 Policy LP63: New open space* explains that the council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all. New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.

- 5.72 Additionally *KLP19 Policy LP63: New open space* states that the council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open spaces to encourage local communities to take an active role in looking after public open spaces near where they live.
- 5.73 Chapter 8 of the NPPF, *Promoting healthy and safe communities* (paragraphs 91 to 101) sets out that development should encourage and support healthy lifestyles through provision of safe and accessible green infrastructure and layouts that encourage walking and cycling. Developments should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 5.74 Paragraph 92 states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- 5.75 KMDC provided the design team with a Public Open Space Summary Requirements guidance note during pre-application consultation. The indicative figures and other details were based upon the *KLP19 Policy LP63* and the *Fields in Trust Guidance*<sup>2</sup>.

#### Compliance of the Proposed Development

- 5.76 A total of 10,302 sq. m. of publically accessible space has been proposed on Site across the range of open space types and is set out in the table below.

Category of PAOS	Policy Requirement (sqm)	Provision
Parks/recreation grounds (19.44sqm per dwelling)	3,518	1,145
Children's equipped/designated play areas (6.1sqm per dwelling)	1,104	1,612
Amenity greenspace (14.58sqm per dwelling)	2,639	3,569
Natural/semi-natural greenspace (48.6sqm per dwelling)	8,797	3,976
<b>Totals</b>	<b>18,284</b>	<b>10,302</b>

- 5.77 In meeting the requirements set out by the Council for the Site, consideration has been given to the composition and cumulative level of open space proposed across both the Leeds Road application and this Application. Taken together, the proposals meet the pre-application request. It is noted, however, that the precise level and balance of open space

<sup>2</sup> <http://www.fieldsintrust.org/guidance>

proposed on the Site will be subject to agreement with the LPA through a reserved matters submission, as it will be influenced, reflecting Policy LP63, by the balance of house types.

## Landscape and Visual Impact

### Policy and Guidance

- 5.78 *KLP19 Policy LP24* requires applicants to promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
- 5.79 *NPPF Chapter 12. Achieving well-designed places* states at paragraph 127 that planning policies and decisions should ensure that new development is sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

### Compliance of the Proposed Development

- 5.80 The Landscape Appraisal considers the current landscape features of the Site and the surrounding context, and has informed the design proposals for the Site which have been developed alongside an illustrative strategic landscape framework.
- 5.81 The analysis demonstrates that the Site has a high level of visual containment, with views from beyond the Site boundary experiencing only minor visual effects as a result of the Proposed Development. Topography, existing built form, and existing areas of mature vegetation (including field boundary vegetation and woodland) serve to filter or obscure views of the Site. Only those views in close proximity to the Site, from the PROW and adjacent housing are likely to undergo very noticeable change. Any change to longer distance views would be reduced by the layered screening effects of existing field networks and boundary vegetation and recommended tree planting.
- 5.82 There would be some change to the landscape character, through the transformative development of existing arable land but these changes would be consistent with urban fringe character area that applies to the Site. Beyond the immediate boundaries of the Site, the landscape effects would be reduced due to physical /visual containment of the Site, which will be further reinforced through additional tree and hedgerows planting.
- 5.83 The Parameter Plan (drawing ref: 00-211 Rev C) and the Illustrative Masterplan (drawing ref: 00-101 Rev D) has been informed by the mitigation recommendations of the landscape appraisal and developed alongside a strategic landscape framework. The key principles identified and taken forward in the design include: maintaining a generous offset between Dum Wood and the proposed houses, retaining and protecting TPO trees on the southern boundary and deeper within the Site, integrating trees and hedgerows within the proposed publically accessible open space, conserve the existing PROW, and materials, height and massing has been considered in relation to the existing character of buildings.
- 5.84 The Proposed Development is consistent with the requirements of Local and National planning policy and guidance with respect to landscape and visual impact considerations.

## Historic Environment

### Policy and Guidance

- 5.85 *KLP19 Policy LP5: Masterplanning sites* outlines an expectation for masterplans to achieve high standards of design that respect the heritage of adjacent and nearby development. Masterplans will be expected to demonstrate a good understanding and respect for the heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the heritage assets will be conserved and enhanced.
- 5.86 *KLP19 Policy LP35: Historic environment* explains the importance of the historic environment in relation to local distinctiveness, therefore development proposals affecting a designated heritage asset should preserve or enhance the significant of the asset and development that is likely to result in substantial harm or loss will only be supported where it can be demonstrated that the proposal would bring substantial public benefits that clearly outweigh the harm.
- 5.87 *NPPF Chapter 16. Conserving and enhancing the historic environment* (paragraphs 184 to 202) states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When determining a planning application the local planning authority should take account of the desirability of sustaining and enhancing the significance of heritage assets and consider if a new development makes a positive contribution to the local character and distinctiveness.
- 5.88 Paragraph 196 of the *NPPF* states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.

### Compliance of the Proposed Development

- 5.89 The Site does not fall within a conservation area. The closest conservation area is located 1.7km to the west of the Site (Station Road Batley Conservation Area).
- 5.90 There are no designated heritage assets recorded within the Site but in the study area (a 1km radius from the Site boundary) are eight Grade II Listed Buildings: Toll Gates outside Toll Bar Cottage to the south west; Manor Farm Barn and 25-27 Baghill Road to the north-east; The Church of St Mary to the north; Haigh Hall to the east; and, The Church of St Paul to the south west.
- 5.91 Although not designated assets, there are also five areas of ancient replanted woodland in the study area, most notably the ancient replanted woodland Dum Wood which bounds the Site to the east.
- 5.92 A Heritage Assessment, prepared by Cotswold Archaeology, included a setting assessments in respect of the Grade II Listed Haigh Hall and Church of St Paul. It was concluded that the Proposed Development will not alter the key ways in which these assets are currently experienced and any wider landscape views which could potentially incorporate the Site do not contribute to the heritage significance of the assets. On this basis the assessment

considers that the proposals will not cause harm to the prevailing significance of the assets through alteration of their setting.

- 5.93 A geophysical survey carried out across the Site recorded anomalies, confirmed that the previously recorded cropmarks were likely to be archaeological in origin. It is considered, however, that the potential for currently known archaeological remains to be present within the Site is limited. An appropriately designed archaeological mitigation strategy will therefore be agreed with the Council's archaeologist through a planning condition.
- 5.94 The proposal accords with the requirements of the NPPF and KL19 policies with respect to historic environment considerations.

## Ground Conditions

### Policy and Guidance

- 5.95 KLP19 Policy LP38: *Minerals safeguarding* states that surface development will only be permitted within a Mineral Safeguarded Area where it has been demonstrated that (*inter alia*) "there is an overriding need for the development".
- 5.96 KLP19 Policy LP53: *Contaminated and unstable land* states that development on land that is unstable, currently contaminated or suspected of being contaminated due to previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment. Measurements should be incorporated to remediate land where necessary and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment.
- 5.97 NPPF Chapter 15. *Conserving and enhancing the natural environment* states at paragraph 170 that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.

### Compliance of the Proposed Development

- 5.98 A Phase 1 Geo-Environmental Desk Study for the Site has been prepared by Patrick Parsons and is submitted with the Application. The report examines ground conditions across the Site and concludes that the risk of significant contamination on Site is generally low with areas indicated during the walkover to present a moderate risk associated with mining legacy infrastructure.
- 5.99 With regard to KM19 Policy LP38, it is considered that the Proposed Development satisfies the criteria to justify surface development within a Mineral Safeguarded Area. This is 1c – "there is an overriding need for the development". This is justified through the Site's allocation for mixed-use development in the Local Plan and its major contribution to housing and employment need.
- 5.100 Due to the Site's mining legacy, a Coal Mining Risk Assessment for the Site has been prepared by Patrick Parsons and is submitted with this Application. The Assessment proposed recommended mitigation measures which can be addressed by planning condition:

- Comprehensive assessment of archive exploratory data associated with the historic opencast of the Site. Further proof drilling is recommended to confirm the status of the Beck Bottom Stone, Gawber, 27 Yard and Swallow Wood coal seams. If shallow mining is confirmed as potentially affecting surface stability, consolidation by drill and grout would be required; and
- Intrusive investigation to determine the exact location of the former recorded shafts within the Site with appropriate treatment and capping required.

5.101 It is therefore considered that the Proposed Development complies with the requirements of Local and National planning policy with respect to the consideration of ground conditions.

## Pollution

### Policy and Guidance

- 5.102 *KLP19 Policy LP52: Protection and improvement of environmental quality* outlines that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.
- 5.103 *NPPF Chapter 15. Conserving and enhancing the natural environment* states at paragraph 170 that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.104 Paragraphs 180 to 183 address noise and other forms of pollution. Paragraph 180 states that planning policies and decisions should seek to mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

### Compliance of the Proposed Development

- 5.105 A Noise and Impact Assessment prepared by Delta Simons is submitted in support of the Application. This assesses the likely significant effects of the Proposed Development on the existing area with respect to Noise and Vibration and whether mitigation is necessary.
- 5.106 Baseline noise conditions were ascertained through on-site monitoring at three locations with the assessment carried out following the guidance of Professional Practice Guidance on Planning and Noise (ProPG). The initial noise assessment indicates that the Site is exposed to a low risk noise environment.
- 5.107 Close board fences along the Site's west and north boundary and potential façade sound insulation treatments have been recommended to provide shielding from road traffic noise to the internal noise levels in the proposed houses and to the external amenity spaces. With these mitigation measures, the adverse impacts of noise will be mitigated and the guidance

values for internal noise environment and external amenity spaces are achieved.

- 5.108 Further details of the acoustic design of the Proposed Development and any mitigation measures required will be provided at the Reserved Matters stage and can be addressed by planning condition.
- 5.109 All matters relating to the construction impacts of the Proposed Development will be addressed through a condition requiring the submission of a Construction Management Plan.
- 5.110 The Proposed Development therefore meets the requirements of Local and National planning policy with respect to the consideration of noise impact.

## Air Quality

### Policy and Guidance

- 5.111 *KLP19 Policy LP21: Highways and access* states that all proposals where the development would generate significant trip generation should be accompanied by a supporting Transport Assessment or Transport Statement providing detail as to the impact on highway safety, air quality, noise, and light restrictions.
- 5.112 *KLP19 Policy LP51: Protection and improvement of local air quality* explains that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people. Development which has the potential to cause levels of local air pollution must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.
- 5.113 *KLP19 Policy LP52: Protection and improvement of environmental quality* outlines that proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals or other forms of pollution must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.
- 5.114 *NPPF Chapter 15. Conserving and enhancing the natural environment* states at paragraph 170 that planning policies and decisions should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability.
- 5.115 Paragraph 181 sets out that planning policies and decisions should sustain and contribute toward compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas or Clean Air Zones.

### Compliance of the Proposed Development

- 5.116 An air quality assessment has been submitted with the Application.
- 5.117 The assessment establishes that through the application of appropriate dust control measures the residual significance of potential air quality impacts from construction

activities will not be significant.

- 5.118 The dispersion modelling results indicated that annual mean for Nitrogen Dioxide and Particulate Matter concentrations were predicted to be below the relevant Air Quality Objectives at all locations across the Site. The location is therefore considered suitable for residential use.
- 5.119 The Proposed Development is therefore consistent with Local and National planning policy and guidance with respect to the consideration of air quality.

## Energy, Sustainability and Resilience to Climate Change

### Policy and Guidance

- 5.120 *KLP19 Policy LP24: Design* states that proposals should promote good design by ensuring high levels of sustainability, through where practicable:
- Creating a design that promotes behavioural change by promoting walkable neighbourhoods and making walking and cycling more attractive;
  - Considering the use of innovative construction materials and techniques;
  - Where possible minimising resource use in the building and considering the use of renewable energy;
  - Providing charging points to encourage the use of electric and low emission vehicles;
  - Designing buildings that are resilient and resistant to flood risk and through incorporation of multi-functional green infrastructure where appropriate; and,
  - Designing places that are more adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident / user.
- 5.121 *KLP19 Policy LP26: Renewable and low carbon energy* highlights that renewable and low carbon energy proposals will be supported and planning permission granted where any adverse effects of the proposal are mitigated by wider environmental, social and economic benefits.
- 5.122 *KLP19 Policy LP47: Healthy, active and safe lifestyles* states that proposals which include energy efficient design will be supported.
- 5.123 *NPPF Chapter 14. Meeting the challenge of climate change, flooding and coastal change* states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### Compliance of the Proposed Development

- 5.124 A Sustainability Statement has been prepared by Delta Simons and is submitted in support of the Application. In addition, an FTP has been submitted which outlines how residents of

the Proposed Development will be encouraged to travel by sustainable modes.

5.125 At the Reserved Matters stage the detailed design of individual dwellings will be considered carefully to promote energy efficient design and construction methods, including:

- The consideration of innovative construction techniques and materials;
- A surface water drainage system will be incorporated into the detailed design to maintain current greenfield run off rates and provide suitable drainage; and,
- Private car travel will not be encouraged. Travel by walking and cycling and access to public transport will be promoted.

5.126 As far as possible, future trips from the Proposed Development will be encouraged to take place through sustainable and active travel modes by design and location of the Site, but further reinforced by the Framework Travel Plan which will be in place. Existing and future bus, rail and local active travel options (such as walking and cycling) will ensure that the impacts of the Proposed Development are minimised, and that residents, visitors and employees have the maximum choice of travel options.

5.127 The proposals are consistent with local and national policy and promote high levels of sustainability where practicable.

## Developer Contributions

### Policy and Guidance

5.128 *KLP19 Policy LP4: Providing infrastructure* explains that new development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability. This may be achieved on-site or off-site through planning conditions or legal agreements and/or through contributions to the Community Infrastructure Levy (CIL).

5.129 The *NPPF* sets out at Paragraph 34 that plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

### Compliance of the Proposed Development

5.130 The Proposed Development will address its key infrastructure requirements through a combination of on-site infrastructure and if required off-site financial contributions. The timing and scale of any contributions will be subject to discussion and agreement with the LPA during the determination of this Application and will be finalised in a s106 agreement.

## Affordable Housing

### Policy and Guidance

5.131 *KLP19 Policy LP11: Housing Mix and Affordable Housing* sets out the requirements for affordable housing. Housing developments of 10 or more dwellings will be expected to provide affordable housing. The proportion of affordable homes should be 20% of the total

units on market housing sites. This percentage will be sought by KMDC unless it can be demonstrated through viability evidence that the required figure would render the scheme unviable. The affordable homes should be incorporated within the development, however if this is not possible a financial contribution of at least equal value may be accepted to provide affordable homes elsewhere or to re-use or improve the existing housing stock.

5.132 Additionally, *KLP19 Policy LP11: Housing Mix and Affordable Housing* states that the affordable housing provision should:

- Cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;
- Incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and
- Be indistinguishable from market housing in terms of achieving the same high quality design.

5.133 Kirklees Interim Affordable Housing Policy 2020 (KIAHP20) provides guidance on how current identified affordable housing needs should be secured in accordance with KLP19 Housing Mix Policy (LP11). A district-wide assessment of the economic viability of land for housing has shown that, for market housing schemes in Kirklees, 20% of the total units on sites should be provided as affordable housing. The policy document states that the proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal.

5.134 *NPPF Chapter 5. Delivering a sufficient supply of homes* (paragraphs 59 to 79) outlines the need to provide high quality homes, widen opportunities for home ownership and create sustainable communities. It identifies that the mix of housing should be based on demographic trends and market trends, and that there is an appropriate mix of size, type and tenure of housing to meet local demands.

### **Compliance of the Proposed Development**

5.135 The proposals will provide a level of affordable housing on Site. The amount and tenure split will be subject to discussion and agreement with the LPA during the determination of this application and will be secured through a s106 agreement.

5.136 The Proposed Development is consistent with relevant KLP19 policy and national policy and guidance.

### **Conclusion**

5.137 It is considered that the principle of residential development is accepted by KMDC and that the proposed use is consistent with and supports the KLP19 and NPPF.

5.138 The effects of the Proposed Development has been comprehensively assessed through a range of technical reports. These documents propose mitigation where necessary to ensure that the impact of the Proposed Development is acceptable.

- 5.139 The Proposed Development has been the subject of a programme of pre-application consultation with key stakeholders, and the responses from consultees have been considered, as far as practical.
- 5.140 The Application has addressed all the key planning matters relating to the Site and Proposed Development through a detailed review of the policies and guidance that are applicable to the Site. It has also balanced these policy requirements with site-specific considerations and matters raised through the pre-application process.
- 5.141 Taken as a whole the Application complies with the Development Plan and all other material considerations. The Local Plan is up to date and therefore in accordance with the NPPF (para 11c) the Application should be approved without delay.

## 6 Summary and Conclusions

- 6.1 This Planning Statement accompanies an Application for Outline Planning Permission with means of access specified and all other matters reserved for the development of Land South of Heybeck Lane, Chidswell. The Statement has provided a review of the Proposed Development, the Site context, the planning policy context, and a planning assessment of the Proposed Development.
- 6.2 The Site is identified as being suitable for residential development as supported by the allocation for mixed-use development within the Kirklees Local Plan. The Site is available and is deliverable, and will make a positive contribution towards meeting Kirklees' housing supply requirements.
- 6.3 The Proposed Development is considered to be a sustainable development as it is an accessible location, adjacent to the existing built development of Chidswell, and close to existing facilities, services, infrastructure and public transport links. The Proposed Development will provide benefits including family housing and the creation of new publically accessible open space.
- 6.4 The impact of the Proposed Development has been assessed through technical surveys submitted with the Application. These demonstrate that full consideration has been given to the environment and local community, and that mitigation has been proposed where necessary to minimise impacts to acceptable levels. Detailed design and other elements of the scheme will be secured through a Reserved Matters submission in due course.
- 6.5 In line with Paragraph 54 of the *NPPF*, planning obligations and financial contributions have been considered to mitigate any unacceptable effects of the Proposed Development.
- 6.6 Site-specific considerations have been identified and discussed in detail within Section 5 of this Statement, which sets out how all aspects of the proposals have been assessed in a robust matter against the relevant Development Plan policies and material considerations.
- 6.7 Applicable planning policies, guidance and other material considerations have been reviewed, and this Statement provides full and robust justification for the Proposed Development, alongside supporting design and technical assessments that are submitted with the Application.
- 6.8 Taken as a whole the Application complies with the Development Plan and all other material considerations. The Local Plan is up-to-date and therefore in accordance with the *NPPF* (para 11c) the Application should be approved without delay.

# Appendix A: Planning Policy Review

A.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

*If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

A.2 This technical Appendix provides a comprehensive review of the relevant documents that make up the Local Plan and are material considerations in the determination of the Application, as detailed in Section 4 of this Statement.

A.3 The wording of planning policies which are pertinent to the Site and Proposed Development is shown in the tables below, alongside text which sets out how the Application complies with these policies.

## Adopted Local Plan

### Kirklees Local Plan

Policy	Application Compliance
<b>Policy LP1: Presumption in favour of sustainable development</b>	
<p>When considering development proposals, the council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The council will always work pro-actively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Proposals that accord with the policies in the Kirklees Local Plan (and, where relevant, with policies in neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.</p> <p>Where there are no policies relevant to the proposal or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise – taking into account whether:</p> <ol style="list-style-type: none"> <li>a. any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or</li> <li>b. specific policies in that Framework indicate that development should be restricted.</li> </ol>	<p>The Site is a sustainable location and will contribute to Chidswell’s social vitality and economic viability.</p> <p>The Proposed Development will provide a range of benefits which include:</p> <ul style="list-style-type: none"> <li>• The delivery of up to 181 new homes, including the provision of a mix of housing in accordance with the KMDC policy which will be subject to a future Reserved Matters submission;</li> <li>• New jobs will be created through construction and within the local supply chain;</li> <li>• New pedestrian and cycle links are proposed; and</li> <li>• Provision of new publically accessible open space.</li> </ul> <p>The Proposed Development is compliant with local planning policy.</p>
<b>Policy LP2: Place shaping</b>	
<p>All development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan, in order to protect and enhance the qualities which contribute to the character of these places, as set out in the four sub-area statement boxes below:</p> <p><u>Dewsbury and Mirfield</u></p> <p>Dewsbury and Mirfield form an extensive urban area within a wide valley, bounded by some steep slopes and containing significant areas of historic or architectural interest. The area benefits from good transport links to the M62 and the M1, and by rail to Leeds and Manchester. There is also a well-established green network making it easy to walk and cycle. Dewsbury town centre is the main location for shopping. Local shopping centres exist in Mirfield and Ravensthorpe, where shops and services are either side of the busy main road. Overall, household incomes are below the Kirklees average but there are some higher income areas. Relative to other areas of Kirklees, skills levels in Dewsbury are lower than average. The area experiences both strong and weak housing market areas.</p>	<p>The Application includes a Parameters Plan (drawing ref: 00-211 Rev C) which set the parameters for a future detailed scheme and reflects the outcome of a range of technical assessments. The Parameter Plan outlines the following:</p> <ul style="list-style-type: none"> <li>• Sets out the extents of the proposed land parcels and their intended uses;</li> <li>• Sets the maximum building heights for the proposed dwellings;</li> <li>• Identifies the proposed vehicular access point;</li> <li>• Identifies the approximate location of an existing below ground sewer and its associated easement is highlighted; and</li> <li>• Identifies the broad location of the 20m ancient replanted woodland buffer zone.</li> </ul>

Policy	Application Compliance
<p><u>Statement Place Shaping – Dewsbury and Mirfield</u></p> <p>Strengths/opportunities for growth</p> <ul style="list-style-type: none"> <li>• Dewsbury is less than ten minutes from Leeds on the train and enjoys direct rail links to other major northern cities.</li> <li>• Dewsbury is an important public transport hub with bus services linking to other parts of North Kirklees and to Leeds, Bradford and Wakefield.</li> <li>• Mirfield is currently the district's only direct rail link to London.</li> <li>• Relatively good motorway links from Mirfield to M62 and north-east Dewsbury to M62 and M1.</li> <li>• Priority in Kirklees Economic Strategy to transform Dewsbury, building on strategic location and driven by integrated housing and economic development in town centre.</li> <li>• Strong housing market areas of Mirfield and outskirts of Dewsbury.</li> <li>• District centres at Mirfield and Ravensthorpe meeting a range of everyday shopping and service needs, along with other local centres throughout Dewsbury and Mirfield.</li> <li>• Attractive buildings and townscape in Dewsbury, with enhanced buildings such as Pioneer House and the Victorian Arcades.</li> <li>• Kirklees College potentially attracting investment.</li> <li>• Established greenway network and Dewsbury Country Park.</li> <li>• Brownfield opportunities from former industrial uses.</li> <li>• Potential to enhance river and canal corridors for the River Calder, Spen River and the Calder Hebble Navigation to help attract investment and provide an attractive setting and a leisure and recreation asset.</li> <li>• A growing young population with a history of enterprise and community networks.</li> <li>• Crow Nest Park has a Green Flag award and is a leisure and recreation asset for Dewsbury.</li> <li>• Out of centre retail and leisure park at Birstall, attracts visitors from a wide area and provides an opportunity to create linked trips to towns in north of the district</li> </ul> <p>Challenges to growth</p> <ul style="list-style-type: none"> <li>• Traffic congestion on key routes.</li> <li>• Railway stations at Ravensthorpe and Mirfield currently have a lack of facilities.</li> <li>• High levels of inequality between strong and weak housing market areas.</li> <li>• Narrow Green Belt gaps separating some settlements, particularly around Mirfield.</li> <li>• Flatter areas at low levels tend to be at risk of flooding.</li> <li>• Many brownfield opportunities are in weak housing market areas.</li> </ul>	<p>The Design and Access Statement explains how the Parameter Plan and Illustrative Masterplan has evolved, having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission.</p> <p>Additionally, an Masterplan Framework Document for the whole allocation has been prepared. This holistic approach to design ensures that all important components have been considered and allows the Site's context to be considered and, as appropriate, responded to within the emerging proposals.</p>

Policy	Application Compliance
<ul style="list-style-type: none"> <li>• Poor air quality in some areas.</li> <li>• Poor environmental quality in some areas reduces potential for investment.</li> <li>• Higher than average retail floorspace vacancy in Dewsbury Town Centre.</li> <li>• Traffic detracting from environmental quality between Dewsbury Town Centre and the railway station and in Mirfield and Ravensthorpe centres which are located on busy roads.</li> <li>• Dewsbury town centre Conservation Area is on the Heritage at Risk register.</li> <li>• Pockets of high unemployment, deprivation and poor health.</li> <li>• The regeneration of Dewsbury as a place to live, work and invest.</li> <li>• Out of centre retail and leisure park at Birstall, attracts visitors from a wide area and plays an important retail role, meaning it is necessary to reinforce the role of main town centres in north of the district.</li> </ul>	
Policy LP3: Location of new development	
<p>Development proposals will be required to reflect the Spatial Development Strategy, Policy LP1 Presumption in Favour of Sustainable Development and Policy LP2 Place Shaping. This means:</p> <ol style="list-style-type: none"> <li>1) Development should reflect:             <ol style="list-style-type: none"> <li>a. the settlement’s size and function; and</li> <li>b. place shaping strengths, opportunities and challenges for growth; and</li> <li>c. spatial priorities for urban renaissance and regeneration; and</li> <li>d. the need to provide for new homes and jobs;</li> </ol> </li> <li>2) Development will be permitted where it supports the delivery of housing and employment growth in a sustainable way, taking account of the following criteria:             <ol style="list-style-type: none"> <li>a. delivering the housing and job requirements set out in the Local Plan;</li> <li>b. the need to maintain a supply of specific deliverable sites, in accordance with national policy and enabling the delivery of allocations set out in the Local Plan or in Neighbourhood Plans;</li> <li>c. ensuring that opportunities for development on brownfield (previously developed) sites are realised early in the plan, subject to maintaining a five year supply of housing land and to delivering the overall housing and jobs requirements;</li> <li>d. ensuring delivery of housing and jobs in smaller settlements to meet local housing and employment needs;</li> <li>e. ensuring that proposals have regard to connecting links to existing green and blue infrastructure networks;</li> <li>f. co-ordinating housing and employment land delivery with the provision of new infrastructure.</li> <li>g. providing access to a range of transport choices and access to local services.</li> </ol> </li> </ol>	<p>The Site is located to the east of the A653 Leeds Road dual carriageway, which is a strategic corridor between Dewsbury and Leeds. In the immediate vicinity of the Site, Leeds Road runs in a north-south direction, adjoining the A638 Wakefield Road and Junction 28 (the Tingley Interchange) of the M62 Motorway to the north. The A638 Wakefield Road links with the M1 Motorway Junction 40 to the east of the Site.</p> <p>The Site is located in close proximity to Woodkirk and Shaw Cross. Both locations offer a range of services and facilities to meet the daily needs of its residents. Woodkirk provides a primary school, a secondary school, convenience store and a public house. Batley Railway station is located 2.4 km to the west of the Site.</p> <p>Chidswell has been identified as a suitable location for new employment development within the KLP18, Leeds City Region Strategic Economic Plan and Kirklees Economic Strategy, as it is located along the M62 corridor to the north of Kirklees, where easy access can be achieved to the M1.</p> <p>The Proposed Development is strategic in nature and provides an opportunity to address an identified need for residential development within Kirklees, as required within the Kirklees Local Plan. The submission of this planning Application demonstrates the Applicant’s willingness to proceed and deliver the allocation, which is central to the aspirations of the Local Plan.</p> <p>A key element of the Applicant’s strategy is to create conditions for early delivery, this has influenced the planning strategy. With this in mind, a separate outline planning application has been simultaneously submitted to KMDC by the Applicant covering the remainder of the allocation, for residential development to the south of this Site and east of Leeds Road. This allows the Proposed Development (Land south of Heybeck Lane) to be developed as a standalone, early phase.</p> <p>The Proposed Development includes publically accessible open space and the Parameters Plan (drawing ref: 00-211 Rev C) clearly demonstrates that it is possible to connect with existing green infrastructure. This includes a landscape buffer between the Proposed Development and Dum Wood.</p> <p>The Proposed Development has been designed so that safe and suitable access to the Site can be provided. The development will be accessed from Heybeck Lane as set out on the Parameters Plan (drawing ref: 00-211 Rev C). The access arrangements for the Site have been agreed with the local highway authority. As well as the junction off Heybeck Lane pedestrian access to the Site can be gained from the south via a new cycle/pedestrian connection between the Site and Leeds Road and a network of pedestrian routes proposed within the wider allocated land.</p> <p>The Application is supported by a Transport Assessment (TA) and Framework Travel Plan (FTP) prepared by Pell Frischmann. The TA covers the whole allocation, but considers the implications of the Application individually. The methodology and content of the TA was developed through a scoping process during 2018 and 2019 with</p>

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	<p>Kirklees Council, Leeds City Council, Wakefield Council, and Highways England. A multi-modal trip generation assessment has been undertaken to assess the impact of the Proposed Development on the local highway network to make forecasts of generated (person) trip numbers.</p> <p>It is concluded that the traffic impacts of the Heybeck Lane development can be generally accommodated within the overall existing highway network capacity, without the cause for any mitigation. There are some specific issues of network capacity which exist in the absence of any Proposed Development but the traffic impact of the Heybeck Lane development alone is considered to be negligible.</p> <p>As far as possible, future trips from the Proposed Development will be encouraged to take place through sustainable and active travel modes by design and location of the Site, but further reinforced by the FTP which will be in place. Existing and future bus, rail and local active travel options (such as walking and cycling) will ensure that the impacts of the Proposed Development are minimised, and that residents, visitors and employees have the maximum choice of travel options.</p> <p>It is therefore considered that the Proposed Development accords with the requirements of Local planning policy and guidance with respect to transport and access considerations.</p>
<p><b>Policy LP4: Providing infrastructure</b></p>	
<p>The council will work with partners to bring forward the necessary and proportionate essential and desirable infrastructure that is required in order to deliver the spatial strategy as set out in the Local Plan.</p> <p>Essential infrastructure is defined as infrastructure that is required to make development acceptable in planning terms. Desirable infrastructure is described as infrastructure which would improve the capacity and deliver place making benefits.</p> <p>Where new infrastructure is needed to support new development, the essential infrastructure must be operational no later than the appropriate phase of development for which it is needed.</p> <p>Where new infrastructure is needed, the council will expect phasing plans to be submitted as part of planning applications and where appropriate, will link the construction and occupation of that development to infrastructure provision.</p> <p>New development should contribute to the provision of infrastructure, taking account of local and strategic needs and financial viability. This may be achieved on-site or off-site through planning conditions or legal agreements and/or through contributions to the Community Infrastructure Levy (CIL).</p>	<p>The development will be supported by, and have good access to, all necessary infrastructure.</p> <p>The Proposed Development will address its key infrastructure requirements through a combination of on-site infrastructure and off-site financial contributions. The timing and scale of any contributions will be subject to discussion and agreement with the LPA during the determination of this application and will be finalised in a s106 agreement.</p> <p>The Proposed Development responds positively to the objectives of the Local Plan.</p>
<p><b>Policy LP5: Masterplanning sites</b></p>	
<p>Masterplans must involve all the relevant stakeholders, including the council, landowners, developers, the local community, service providers and other interested parties. Masterplans will be developed in consultation with the council prior to the submission of a planning application. Masterplans would only be sought where feasible and appropriate.</p> <p>Masterplans will be expected to achieve the following (proportionate to the scale of development):</p> <ol style="list-style-type: none"> <li>a. an illustrative development layout and phasing and implementation plan;</li> <li>b. high standards of design that respect the character of the landscape, heritage, adjacent and nearby settlements and built development, reflecting the urban to rural transition with appropriate boundary treatment;</li> <li>c. make effective use of the site through the application of appropriate densities in terms of scale, height and massing, and its relationship to adjoining buildings and landscape;</li> </ol>	<p>The proposals are based on sound masterplanning principles, whilst seeking to meet the requirements of the policies within KLP19 and providing the Site requirements specified by the allocation MXS7. This holistic approach to design ensures that all important components have been considered and allows the Site's context to be considered and, as appropriate, responded to within the emerging proposals. The green infrastructure proposals have been considered for the whole allocation to ensure that an integrated network of green spaces is provided.</p> <p>The Application includes a Parameters Plan (drawing ref: 00-211 Rev C) which set the parameters for a future detailed scheme and reflects the outcome of a range of technical assessments. The Parameter Plan outlines the following:</p> <ul style="list-style-type: none"> <li>• Sets the maximum building heights for the proposed dwellings;</li> <li>• Identifies the proposed vehicular access point;</li> <li>• Identifies the approximate location of an existing below ground sewer and its associated easement is highlighted; and</li> </ul>

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<p>d. create a strong sense of place, ensuring the proposed development makes a positive contribution to local character and distinctiveness;</p> <p>e. plan for integrated development, providing for a mix of housing that addresses the range of local housing needs, and encourages community cohesion;</p> <p>f. reduce the need for car use and encourage sustainable modes of travel, including provision for public transport, cycle routes, footpaths and bridleways and electric charging points;</p> <p>g. a network of permeable and interconnected streets and public spaces;</p> <p>h. measures to mitigate the traffic impacts of the proposed development on the strategic and local road networks;</p> <p>i. timely delivery of physical infrastructure, including sewage connections and fibre optic broadband;</p> <p>j. appropriate employment provision and community facilities to serve the new development (e.g. local shops, community halls, schools and health facilities, community sport and fitness provision);</p> <p>k. accessible open space to meet identified local needs and/or increase accessibility to existing open spaces;</p> <p>l. a green infrastructure strategy, providing an integrated network of green spaces;</p> <p>m. appropriate measures to mitigate flood risk and ensure that the development is resilient to the potential impacts of climate change;</p> <p>n. assessment of the potential for energy efficient design including renewable energy schemes; and</p> <p>o. demonstration of a good understanding and respect for the natural environment, its heritage assets and their setting both within the site and in the wider locality, whether designated or not, and include details of how the natural environment and heritage assets will be conserved and enhanced.</p> <p>A management plan must be produced as part of the master-planning process to demonstrate how infrastructure and community assets will be maintained and managed following completion of development.</p>	<ul style="list-style-type: none"> <li>Identifies the 20m ancient replanted woodland buffer zone.</li> </ul> <p>The Design and Access Statement explains how the Parameter Plan and Illustrative Masterplan has evolved, having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission.</p> <p>It is considered that the requirements of Policy LP5 are met.</p>
<p><b>Policy LP7: Efficient and effective use of land and buildings</b></p>	
<p>To ensure the best use of land and buildings, proposals:</p> <ul style="list-style-type: none"> <li>should encourage the efficient use of previously developed land in sustainable locations provided that it is not of high environmental value;</li> <li>should encourage the reuse or adaptation of vacant or underused properties;</li> <li>should give priority to despoiled, degraded, derelict and contaminated land provided that it is not of high environmental value;</li> <li>will allow for access to adjoining undeveloped land so it may subsequently be developed.</li> </ul> <p>Housing density should ensure efficient use of land, in keeping with the character of the area and the design of the scheme:</p> <ul style="list-style-type: none"> <li>developments should achieve a net density of at least 35 dwellings per hectare, where appropriate;</li> <li>higher densities will be sought in principal town centres and in areas close to public transport interchanges</li> </ul>	<p>The majority of the Site consists of intensively farmed agricultural land, much of which is laid with crops.</p> <p>In total 4.78 ha of the Site is being developed for residential use. This means that a net density of c. 38 dwellings per hectare has been achieved.</p> <p>To demonstrate how the quantum of development applied for can be appropriately accommodated on the Site, an Illustrative Masterplan has been prepared by Enjoy Design and is submitted to accompany the Application.</p> <p>As Reserved Matters submissions come forward, further details on density will be provided. These will address the detailed design aspects of Policy LP7.</p>

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<ul style="list-style-type: none"> <li>c. 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;</li> <li>d. more detailed density requirements may be set out in area actions plans, neighbourhood plans, supplementary planning documents and development briefs, where appropriate.</li> </ul>	
<p><b>Policy LP11: Housing Mix and Affordable Housing</b></p>	
<p>All proposals for housing, including those affecting the existing housing stock, will be of high quality and design and contribute to creating mixed and balanced communities in line with the latest evidence of housing need.</p> <p>All proposals for housing must aim to provide a mix (size and tenure) of housing suitable for different household types which reflect changes in household composition in Kirklees in the types of dwelling they provide, taking into account the latest evidence of the need for different types of housing. This includes consideration of provision for those with specialist needs. For schemes of more than 10 dwellings or those of 0.4ha or greater in size, the housing mix should reflect the proportions of households that require housing, achieving a mix of house size and tenure. The council encourages the inclusion of appropriate design elements that ensure buildings are suitable or can be adapted to meet the needs of people needing specialist accommodation at present and into later life. The council will encourage proposals for custom/self build homes where consistent with other policies in the Local Plan.</p> <p>Taking into account the annual overall shortfall in affordable homes, the council will negotiate with developers for the inclusion of an element of affordable homes in planning applications for housing developments of more than 10 homes, including proposals involving self-contained residential units. The proportion of affordable homes should be 20% of the total units on market housing sites. The proportion may be less where viability evidence demonstrates that there are development costs which would otherwise prejudice the implementation of the proposal. Achievement of a higher proportion of affordable housing on sites will be encouraged.</p> <p>The affordable homes should be incorporated within the development but where justified, a financial contribution of at least equal value may be accepted to provide affordable homes elsewhere or to re-use or improve the existing housing stock.</p> <p>The affordable housing provision should:</p> <ul style="list-style-type: none"> <li>a. cater for the type of affordable need identified in the latest housing evidence in terms type, tenure, size and suitability to meet the needs of specific groups;</li> <li>b. incorporate appropriate arrangements to retain the benefits of affordability for initial and subsequent occupiers or for the subsidy to be recycled for alternative affordable housing provision; and</li> <li>c. be indistinguishable from market housing in terms of achieving the same high quality of design.</li> </ul> <p>Exceptionally, planning permission may be granted for affordable homes on land which would not normally be permitted for housing development, where there is otherwise little prospect of meeting robustly evidenced local needs particularly for housing to rent by people who work locally. Where appropriate, such schemes must include arrangements for the homes to remain affordable in perpetuity.</p>	<p>The proposals meet the aspirations of local and national planning policy through providing high quality dwellings that will deliver up to 181 new homes. The Proposed Development will contribute to Kirklees’ objectively assessed need of an average of 1,730 dwellings per annum.</p> <p>The homes will include a range of house sizes to be determined at Reserved Matters stage. The exact types of homes and layout will be determined at Reserved Matters stage. This will be given careful consideration to ensure that the proposals make the best and most efficient use of the land.</p> <p>The proposals will provide a level of affordable housing on Site. The amount and tenure split will be subject to discussion and agreement with the LPA during the determination of this Application and will be finalised in a s106 agreement.</p>

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<p><b>Policy LP19: Strategic transport infrastructure</b></p> <p>The ability to move goods and people is particularly important given the district's strategic position on the national motorway and rail networks, its links with regional facilities such as airports/ports and its central position between the Leeds, Sheffield and Manchester City regions. This gives the district a distinct locational advantage. Efficient access for goods and services is also a key factor in supporting the vitality of urban areas. The aim is to achieve a balanced and integrated transport network which makes the most efficient and effective use of road, rail and public transport.</p> <ol style="list-style-type: none"> <li>1. The Council is committed to ensuring that new developments have safe and convenient access to the West Yorkshire Key Route Network where possible, the main arterial routes and the West Yorkshire Core Bus Network that connect the region. Development will be strategically placed along core networks where available and the developing core cycle network, all of which will be improved and maintained where possible to reduce congestion and reliance on the private car;</li> <li>2. Proposals will be encouraged where they assist to bring forward strategic transport infrastructure where possible, particularly where they would directly benefit from these schemes;</li> <li>3. Proposals that may prejudice the future development of the following will not be permitted: <ul style="list-style-type: none"> <li>o strategic transport infrastructure;</li> <li>o identified highway improvements;</li> <li>o traffic management schemes; proposed public transport facilities, including the improvement of existing rail stations and rail corridors and walking and cycling infrastructure; and</li> <li>o strategic cross boundary schemes.</li> </ul> </li> <li>4. National, regional and local transport schemes are identified on the Policies Map and listed below: <ul style="list-style-type: none"> <li>o TS1 A62/A644 Huddersfield to M62 J25</li> <li>o TS2 New Motorway junction 24a on M62</li> <li>o TS3 Huddersfield Southern Gateways</li> <li>o TS4 A629 Halifax Road (Huddersfield to Halifax Corridor)</li> <li>o TS5 Mirfield to Dewsbury to Leeds and North Kirklees Growth Zone</li> <li>o TS6 Highway Network Efficiency Programme</li> <li>o TS7 Public Transport Improvement Schemes</li> <li>o TS8 Walking and Cycling Improvement Schemes</li> <li>o TS9 Strategic Road Network Improvements</li> </ul> </li> <li>5. The Council will safeguard land to ensure these schemes can be delivered. Detailed transport schemes that require planning permission will have regard to the constraints and considerations as set out in Local Plan such as impact on designated heritage assets and any other environmental impacts.</li> </ol>	<p>The Site is located to the east of the A653 Leeds Road dual carriageway, which is a strategic corridor between Dewsbury and Leeds. In the immediate vicinity of the Site, Leeds Road runs in a north-south direction, adjoining the A638 Wakefield Road and Junction 28 (the Tingley Interchange) of the M62 Motorway to the north. The A638 Wakefield Road links with the M1 Motorway Junction 40 to the east of the Site.</p> <p>The Application is supported by a Transport Assessment and Framework Travel Plan prepared by Pell Frischmann which states that the proposal could be accommodated without resulting in a severe impact on the capacity of the highway network. The Travel Plan sets out ways to actively encourage and promote future occupants to walk, cycle or use public transport.</p> <p>A Full Travel Plan will likely be required by the LPA either at Reserved Matters stage or via a condition to any Reserved Matters submission. This will require future Applicants to consider how sustainable travel measures can be incorporated into their proposed development. A key element of this could be providing a Travel Information Pack to all occupants at the site upon occupation. This pack will include details of walking/ cycling/ public transport routes and timetable information as well as potential car sharing arrangements. It will include a map showing local amenities that can be accessed by walking and cycling.</p> <p>The Proposed Development can be designed in a way so that safe and suitable access to the Site can be provided. Pedestrian and cycle links will help improve opportunities for active travel. Pedestrian access to the Site will accompany the vehicular access points and a number of formal and informal footpaths are proposed throughout the Site.</p> <p>The Proposed Development does not prejudice the future development of strategic infrastructure as listed within the policy.</p>
<p><b>Policy LP20: Sustainable travel</b></p> <p>New development will be located in accordance with the spatial development strategy to ensure the need to travel is reduced and that essential travel needs can be met by forms of sustainable transport other than the private car. The council will support development proposals that can be served by alternative modes of transport</p>	<p>The Application is supported by a Transport Assessment and Framework Travel Plan prepared by Pell Frischmann. The TA covers the whole allocation, but considers the implications of the Application individually.</p>

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<p>such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.</p> <p>The council will support demand management measures which discourage single occupancy car travel within new development and encourage the use of low emission vehicles to improve areas with low levels of air quality. Proposals should include measures to encourage the use of sustainable travel options, including public transport, the promotion of personal journey planning, walking, cycling, car sharing, electronic communication and home working.</p> <p>Travel plans will normally be required for all major planning applications in accordance with current guidance and should set targets and monitoring arrangements to ensure sustainable travel patterns are maintained. Travel plans should include agreed and defined outcomes related to a package of specified measures to be implemented including an approach to lower carbon emissions where applicable.</p> <p>The requirement of a travel plan will also be considered on case by case basis where the proposed development falls below the major application category where it has the potential to generate significant transport movements and/or has insufficient off-street parking within the vicinity of a stressed part of the highway network</p> <p>Proposals for new development shall be designed to encourage sustainable modes of travel and demonstrate how links have been utilised to encourage connectivity. Proposals will be required to facilitate the needs of the following user hierarchy:</p> <ul style="list-style-type: none"> <li>a. pedestrians</li> <li>b. cyclists</li> <li>c. public transport</li> <li>d. private vehicles</li> </ul>	<p>As far as possible, future trips from the Proposed Development will be encouraged to take place through sustainable travel modes by design and location of the Site, but further reinforced by the Framework Travel Plan which will be in place. Existing and future bus, rail and local active travel options (such as walking and cycling) will ensure that the impacts of the Proposed Development are minimised, and that residents, visitors and employees have the maximum choice of travel options.</p>
<p><b>Policy LP21: Highways and access</b></p>	
<p>Proposals shall demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users.</p> <p>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.</p> <p>Proposals shall demonstrate adequate information and mitigation measures to avoid a detrimental impact on highway safety and the local highway network. Proposals shall also consider any impacts on the Strategic Road Network.</p> <p>All proposals shall:</p> <ul style="list-style-type: none"> <li>a. ensure the safe and efficient flow of traffic within the development and on the surrounding highway network;</li> <li>b. where needed, provide new infrastructure or improvements on or off site to ensure safe access from the highway network for pedestrians, cyclists, public transport users and private vehicles;</li> <li>c. be accompanied by a supporting Transport Assessment or Transport Statement where the development would generate significant trip generation, providing detail as to the impact on highway safety, air quality, noise and light restrictions;</li> </ul>	<p>The Proposed Development has been designed so that safe and suitable access to the Site can be provided. Access to the Site is gained from a proposed opening on Heybeck Lane, achieved through the demolition of an existing house, as shown on the Site Access Plan appended to the Transport Assessment (Appendix G, drawing ref: A13398-T-002 Rev A).</p> <p>A comprehensive study of local roads and junctions has been carried out to determine the impact that the new development will have on the local road network. The extent of the assessment and surveys has been carried out in conjunction with ongoing discussions with KMDC Highways officers to ensure that any local issues have been considered within the assessment.</p> <p>The Application is supported by a Transport Assessment and Framework Travel Plan prepared by Pell Frischmann which states that the Proposed Development will not have a detrimental impact on the operation of the surrounding highway network.</p> <p>As the site would potentially be serviced by a KMDC standard refuse vehicle, a vehicle swept path analysis of the site will be undertaken at the Reserved Matters stage once the site layout has been finalised.</p>

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<ul style="list-style-type: none"> <li>d. take into account changes in site levels and topography to ensure the development can be accessed easily and safely by all sections of the community and by different modes of transport;</li> <li>e. take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely;</li> <li>f. take into account access for emergency, service and refuse collection vehicles;</li> <li>g. provide on-site safe, secure and convenient cycle parking/storage facilities to encourage sustainable travel modes.</li> </ul>	
<b>Policy LP22: Parking</b>	
<p>The provision of parking will be based on the following principles:</p> <ul style="list-style-type: none"> <li>a. in town, district and local centres, car parks close to the main shopping area will be for short-stay use and peripheral car parks for long stay use;</li> <li>b. long stay parking in town centres will be reduced progressively in conjunction with improvements to sustainable transport opportunities, where appropriate;</li> <li>c. provision of private non-residential parking in town centres will not be permitted unless it can be demonstrated that it is required for operational reasons. Where such provision is permitted appropriate arrangements will need to be put in place to provide management arrangements consistent with public parking in the centre;</li> <li>d. provision of residential parking schemes within town centres for private vehicles/motorcycles/and cycles will be permitted; where appropriate and where schemes can be shown to enhance residential developments in the town centre;</li> <li>e. car parking provision in new developments will be determined by the availability of public transport, the accessibility of the site, location of the development, local car ownership levels and the type, mix and use of the development;</li> <li>f. new developments will incorporate flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking within the site including a mix of on and off street parking in accordance with current guidance;</li> <li>g. provision will be made to meet the needs of cyclists for cycling parking in new developments;</li> <li>h. provision will be made to accommodate the needs of disabled people for the parking of vehicles.</li> </ul> <p>All proposals shall provide full details of the design and levels of proposed parking provision. They should demonstrate how the design and amount of parking proposed is the most efficient use of land within the development as part of encouraging sustainable travel.</p>	<p>Sufficient levels of parking for vehicles and cycles will be provided within the Proposed Development.</p> <p>The details of the development will be determined by subsequent submissions by way of the Reserved Matters and will be provided by the future developer(s) of the Site.</p>
<b>Policy LP23: Core walking and cycling network</b>	
<p>The core walking and cycling network as shown on the Policies Map will provide an integrated system of cycle routes, public footpaths and bridleways that provide opportunity for alternative sustainable means of travel throughout the district and provide efficient links to urban centres and sites allocated for development in the Local Plan.</p> <p>The core cycling and walking network will be safeguarded and extended to provide opportunities to reduce the number of car journeys and to link settlements, employment sites and transport hubs. The safeguarding of the</p>	<p>A Public Right of Way runs along the southern edge of the Site. This joins an extensive Public Right of way network that runs through arable farmland south and east of the Site. These footpaths connect to existing residential areas to the north, south and west.</p>

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<p>network will also provide further opportunities for leisure uses, cycling, walking and riding in the countryside by linking to existing bridleways and national trails where appropriate.</p> <p>Disused railway lines and waterways throughout the district shall be protected from other forms of development to safeguard their potential to be reinstated to their former use for commercial or leisure purposes or to extend the cycling or footpath networks.</p> <p>Proposals that may prejudice the function, continuity or implementation of the core walking and cycling network will not be permitted. Existing public rights of way that form part of the core walking and cycling network or elsewhere will be protected and enhanced.</p> <p>Proposals shall seek to integrate into existing and proposed cycling and walking routes as identified in the core walking and cycling network by providing connecting links where appropriate; and regard shall also be had to linking to Strategic Green Infrastructure networks as identified on the Policies Map.</p> <p>Where there is an identified need, extensions or enhancements to the existing network can be secured through scheme design, planning conditions and planning obligations if this does not prejudice the overall viability of the development.</p>	<p>The Proposed Development has been designed so that safe and suitable access to the Site can be provided. The Site has one principle vehicular access point off of Heybeck Lane and the junction will include pedestrian and cycle access to the Site (Transport Assessment Appendix G drawing ref A13398-T-002).</p> <p>The Illustrative Masterplan (drawing ref: 00-101 Rev D) sets out how the proposals will retain the existing Public Right of Way and incorporate new pedestrian and cycle links throughout the Site.</p> <p>The Framework Travel Plan prepared by Pell Frischmann outlines how future residents of the Proposed Development will be encouraged to travel by sustainable modes as opposed to car based travel.</p>
Policy LP24: Design	
<p>Good design should be at the core of all proposals in the district and should be considered at the outset of the development process, ensuring that design forms part of pre-application consultation of a proposal. Development briefs, design codes and masterplans should be used to secure high quality, green, accessible, inclusive and safe design, where applicable. Where appropriate and in agreement with the developer schemes will be submitted for design review.</p> <p>Proposals should promote good design by ensuring:</p> <ul style="list-style-type: none"> <li>a. the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape;</li> <li>b. they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary;</li> <li>c. extensions are subservient to the original building, are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers;</li> <li>d. high levels of sustainability, to a degree proportionate to the proposal, through: <ul style="list-style-type: none"> <li>i. The re-use and adaptation of existing buildings, where practicable;</li> <li>ii. design that promotes behavioural change, promoting walkable neighbourhoods and making walking and cycling more attractive;</li> <li>iii. considering the use of innovative construction materials and techniques, including reclaimed and recycled materials;</li> <li>iv. where practicable, minimising resource use in the building by orientating buildings to utilise passive solar design. This includes encouraging the incorporation of vegetation and tree planting to assist heating and cooling and considering the use of renewable energy;</li> <li>v. providing charging points to encourage the use of electric and low emission vehicles;</li> </ul> </li> </ul>	<p>The Application is accompanied by a Masterplan Framework and a Design and Access Statement. The Masterplan Framework sets out the design rationale for the allocation as a whole and the design and access statement explains the design approach to the planning Application. The outcome of the design process explained in these documents is set out in a series of Parameter Plans for the allocation as a whole. They show how the proposals for the Heybeck Lane development and East of Leeds Road development have been prepared as one cohesive whole.</p> <p>The Design and Access Statement explains how the proposals have evolved having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission. The following constraints and opportunities were taken forward within the design proposals:</p> <ul style="list-style-type: none"> <li>• The existing Public Right of Way that crosses the Site has been protected and new pedestrian connectivity is promoted within the Site, linking with the wider countryside to the east and the Local Centre proposed in the Land to the East of Leeds Road application.</li> <li>• The existing hedgerows and tree belts which cross the Site will be retained where possible within green corridors to enhance wayfinding, preserve biodiversity and add character to the design.</li> <li>• An existing foul sewer dissects the Site and an appropriate 6m easement has been retained.</li> <li>• A development buffer is proposed to protect the adjacent replanted ancient woodland, Dum Wood.</li> <li>• There are long range views both into and out of the Site which have considered through the preparation of the Illustrative Masterplan, particularly in relation to utilising field patterns created by north-south hedgerows, and proposing new planting where required.</li> <li>• The existing belt of trees located along the southern boundary provides an existing landscape buffer and is an important feature which defines the Public Right of Way and have been retained.</li> <li>• The angular proportions of the land provides an opportunity to create a central focal point for the development in the form of publically accessible open space. This is shown on the Illustrative Masterplan.</li> </ul> <p>The parameters identified within the Parameters Plan (drawing ref: 00-211 Rev C) have been determined following discussions with the LPA, and to align with policy and respond to site constraints and opportunities.</p>

Policy	Application Compliance
<ul style="list-style-type: none"> <li>vi. incorporating adequate facilities to allow occupiers to separate and store waste for recycling and recovery that are well designed and visually unobtrusive and allows for the convenient collection of waste;</li> <li>vii. designing buildings that are resilient and resistant to flood risk, where such buildings are acceptable in accordance with flood risk policies and through incorporation of multi-functional green infrastructure where appropriate;</li> <li>viii. designing places that are adaptable and able to respond to change, with consideration given to accommodating services and infrastructure, access to high quality public transport facilities and offer flexibility to meet changing requirements of the resident / user.</li> <li>e. the risk of crime is minimised by enhanced security, and the promotion of well-defined routes, overlooked streets and places, high levels of activity, and well-designed security features;</li> <li>f. the needs of a range of different users are met, including disabled people, older people and families with small children to create accessible and inclusive places;</li> <li>g. any new open space is accessible, safe, overlooked and strategically located within the site and well integrated into wider green infrastructure networks;</li> <li>h. development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks and green infrastructure;</li> <li>i. the retention of valuable or important trees and where appropriate the planting of new trees and other landscaping to maximise visual amenity and environmental benefits; and</li> <li>j. the provision of public art where appropriate.</li> </ul>	<p>The Illustrative Masterplan (drawing ref: 00-101 Rev D) layout draws on the guidance set out within the recently adopted National Design Guide. The proposed land parcels adopt a coherent pattern of development that responds to the Site's topography and aspect. Pedestrian and vehicular movement routes are distinctive and easy to negotiate through strong lines of sight and use of open aspect.</p> <p>At this stage, the detailed design for the Proposed Development has not been finalised, and Outline Planning Permission only is being sought. Approval of the details of the proposed appearance, landscaping, layout and scale will be sought at Reserved Matters stage. Details submitted as part of subsequent Reserved Matters submissions will demonstrate how the proposals use high quality design and construction methods with carefully selected materials to create a well-designed residential community.</p>
<p><b>Policy LP27: Flood Risk</b></p>	
<p>Proposals for development which require a Sequential Test in accordance with national planning guidance will need to demonstrate that development has been directed to areas at the lowest probability of flooding, following a sequential risk based approach. The whole Kirklees district should be the starting point for the sequential test with applicants required to provide justification where a smaller area of search is proposed. If following application of the sequential test, there are no reasonably available sites which could accommodate the development in zones with a lower probability of flooding, it should also be demonstrated that a sequential approach has been applied within sites. This is to ensure that highly vulnerable and more vulnerable uses are directed towards the areas of lowest flood risk within the site. Proposals will also need to demonstrate that the exception test is passed, where applicable, as set out in national planning policy.</p> <p>Proposals within flood zone 3ai will be assessed in accordance with national policies relating to flood zone 3a but with all of the following additional restrictions:</p> <ul style="list-style-type: none"> <li>a. no new highly vulnerable or more vulnerable uses will be permitted;</li> <li>b. less vulnerable uses may only be permitted provided that the sequential test has been passed and; <ul style="list-style-type: none"> <li>i. where extensions are linked operationally to an existing business or,</li> <li>ii. where redevelopment of a site provides buildings with the same or a smaller footprint;</li> </ul> </li> <li>c. all proposals will be expected to include flood mitigation measures such as compensatory storage which should be identified and considered through a site specific Flood Risk Assessment;</li> <li>d. development will not be permitted on any part of the site identified through a site specific Flood Risk Assessment as performing a functional floodplain role.</li> </ul>	<p>As per the Environmental Agency Flood Map, the Site is characterised as Flood Zone 1 and therefore the Site is at low risk of fluvial flooding.</p> <p>Surface water runoff will be discharged to the appropriate local unnamed water courses located outside the Site boundary to the southern boundary.</p> <p>Yorkshire Water have advised that foul flows can be discharged to the public combined sewer recorded crossing the Site to the south of the development.</p> <p>At detailed design stage, a surface water drainage system will be incorporated into the design to maintain current greenfield runoff rates and provide suitable drainage with appropriate water quality benefits and treatments before infiltrating into the ground.</p> <p>The Proposed Development therefore demonstrates accordance with the requirements of Local and National planning policy and guidance with respect to flood risk and drainage considerations.</p>

Policy	Application Compliance
<p>Proposals must be supported by an appropriate site specific Flood Risk Assessment in line with national planning policy. This must take account of all sources of flooding set out in the Strategic Flood Risk Assessment and demonstrate that the proposal will be safe throughout the lifetime of the development (taking account of climate change). The proposal must also not increase flood risk elsewhere and where possible should reduce flood risk. Mitigation measures, where necessary, should be proposed.</p> <p>Proposals involving building over existing culverts or the culverting or canalisation of water courses will not be permitted unless it can be demonstrated to be in the interests of public safety or to provide essential infrastructure and that there will be no detrimental effect on flood risk and biodiversity. Where feasible, development proposals should incorporate re-opening of culverts, modification of canalised water courses and consideration of mitigation measures to achieve a more natural and maintainable state.</p> <p>Proposals for natural management such as targeted vegetation planting in upper catchments and along river banks will be supported in appropriate locations where consistent with national and local plan policies and relevant water catchment management plans to reduce flood risk and improve water quality.</p>	
<p><b>Policy LP28: Drainage</b></p>	
<p>The presumption is that Sustainable Drainage Systems (SuDS) will be used to assist in achieving the following on each site:</p> <ul style="list-style-type: none"> <li>a. for proposals on greenfield sites, typical greenfield run-off rates should not be exceeded;</li> <li>b. for proposals on brownfield sites there should be a minimum 30% reduction in surface water run-off where previous positive surface water connections from the site can be proven. New connections will be subject to at least greenfield restrictions;</li> <li>c. No negative impact on local water quality and improvements in water quality where practicable;</li> <li>d. Consider whether proposed open spaces and green infrastructure within sites can contribute to the sustainable drainage of the site.</li> </ul> <p>Local conditions including the existence of critical drainage areas may require a lower run-off rate to be agreed to reflect volume control, local surface water risks, water course capacity and flood risk further downstream.</p> <p>There will be a general presumption against pumping surface water. It must also be demonstrated that the surface water management solution is designed to meet requirements over the lifetime of the development including evidence that management and maintenance arrangements have been secured to cover that period. This includes ensuring proposals to store water meet national standards and latest best practice.</p> <p>Flow paths accommodating water from outside the site or due to an exceedance event should be designed to avoid buildings and curtilages.</p> <p>Development will only be permitted if it can be demonstrated that the water supply and waste water infrastructure required is available or can be co-ordinated to meet the demand generated by the new development.</p>	<p>See above</p>
<p><b>Policy LP29: Management of water bodies</b></p>	
<p>Where it is proposed to develop a site already containing a water area, this should normally be retained as part of the proposal and include a future management plan for the maintenance of the water area to ensure the safety of residents for the lifetime of the development. This includes bodies of water associated with existing buildings, even where they are remote from the building, and also includes ancillary elements linked to the operation of the water body</p>	<p>See above</p>

Policy	Application Compliance
<p><b>Policy LP30: Biodiversity &amp; Geodiversity</b></p>	
<p>The council will seek to protect and enhance the biodiversity and geodiversity of Kirklees, including the range of international, national and locally designated wildlife and geological sites, Habitats and Species of Principal Importance and the Kirklees Wildlife Habitat Network.</p> <p><b>South Pennine Moors</b></p> <p>Proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p><b>Statutory Designated Sites</b></p> <p>Statutory designated sites, including the South Pennine Moors Special Protection Area (SPA) and Special Area for Conservation (SAC) and Sites of Special Scientific Interest, are already highly protected through existing laws and legislation. In accordance with legislation, the Council will seek to ensure that harmful impacts to these areas as a result of development proposals are avoided.</p> <p>Development proposed within or outside a designated Site of Special Scientific Interest, likely to have an adverse effect on the site's special nature conservation features, will not normally be permitted. Exceptionally development will be allowed where the benefits of the development clearly outweigh the impacts on the site's special conservation features and measures are provided to mitigate harmful impacts.</p> <p><b>The Dark Peak Nature Improvement Area</b></p> <p>Proposals that contribute to the aims and objectives of the Dark Peak Nature Improvement Area will in principle be supported, subject to other policies in this plan. Development likely to have an adverse impact on the aims and objectives of the NIA will not be permitted.</p> <p><b>Local Designated Sites &amp; Important Local Ecological Features</b></p> <p>Proposals having a direct or indirect adverse effect on a Local Wildlife Site or Local Geological Site, Ancient Woodland, Veteran Tree or other important tree, will not be permitted unless the benefits of the development can be clearly shown to outweigh the need to safeguard the local conservation value of the site or feature and there is no alternative means to deliver the proposal. In all cases, full compensatory measures would be required and secured in the long term.</p> <p><b>Habitats and Species of Principal Importance</b></p> <p>Proposals will be required to protect Habitats and Species of Principal Importance unless the benefits of the development clearly outweigh the importance of the biodiversity interest, in which case long term compensatory measures will need to be secured.</p> <p><b>Biodiversity and Development</b></p> <p>Development proposals will be required to:-</p> <p>(i) result in no significant loss or harm to biodiversity in Kirklees through avoidance, adequate mitigation or, as a last resort, compensatory measures secured through the establishment of a legally binding agreement;</p> <p>(ii) minimise impact on biodiversity and provide net biodiversity gains through good design by incorporating biodiversity enhancements and habitat creation where opportunities exist;</p> <p>(iii) safeguard and enhance the function and connectivity of the Kirklees Wildlife Habitat Network at a local and wider landscape-scale unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term;</p>	<p>The green infrastructure requirements have been considered for the whole allocation, to ensure that an integrated network of green spaces is provided across this Application and the Leeds Road application. Within this framework, individual proposals have been put forward for the Application Site.</p> <p>A Landscape Appraisal has been prepared as part of the Application. This has supported the development of the proposals which takes the landscape character of the existing area into account. The proposals have been formed by the north-south hedgerow pattern in defining development areas, seek to retain the strong network of trees and hedgerows that flank the Public Right of Way, illustrate the potential for a central area of publically accessible open space, provide a 20m buffer to Dum Wood, and provide sufficient space within the site to ensure that a network of green infrastructure can be integrated at detailed design stage.</p> <p>A suite of ecological studies have been prepared by Brooks Ecological to provide information on the Site's ecological value and to inform the preparation of the scheme design. The surveys demonstrate that the Site is generally of a low value habitat. The surveys concluded that the site had very limited value for bats, and there were no Great Crested Newts, Barn Owls, Badgers, Water Vole or reptiles on Site.</p> <p>The Ecological Summary Note sets out an assessment of the potential of the Leeds Road and the Site to achieve a net gain in biodiversity based on the Parameter Plans and the illustrative design option for both sites articulated in the comprehensive Illustrative Masterplan (drawing ref: 00-001 Rev R). It concludes that a biodiversity net gain can be achieved, but that the assessment will need to be undertaken again at the detailed stage alongside the preparation of a landscape masterplan and biodiversity management plan.</p> <p>The Proposed Development has therefore considered and supports the requirements of Policy LP30.</p>

Policy	Application Compliance
<p>(iv) establish additional ecological links to the Kirklees Wildlife Habitat Network where opportunities exist; and</p> <p>(iv) incorporate biodiversity enhancement measures to reflect the priority habitats and species identified for the relevant Kirklees Biodiversity Opportunity Zone.</p>	
<p><b>Policy LP31: Strategic Green Infrastructure Network</b></p>	
<p>Within the Strategic Green Infrastructure Network identified on the Policies Map, priority will be given to safeguarding and enhancing green infrastructure networks, green infrastructure assets and the range of functions they provide.</p> <p>Development proposals within and adjacent to the Strategic Green Infrastructure Network should ensure:-</p> <ul style="list-style-type: none"> <li>(i) the function and connectivity of green infrastructure networks and assets are retained or replaced;</li> <li>(ii) new or enhanced green infrastructure is designed and integrated into the development scheme where appropriate, including natural greenspace, woodland and street trees;</li> <li>(iii) the scheme integrates into existing and proposed cycling, bridleway and walking routes, particularly the Core Walking and Cycling Network, by providing new connecting links where opportunities exist;</li> <li>(iv) the protection and enhancement of biodiversity and ecological links, particularly within and connecting to the Kirklees Wildlife Habitat Network.</li> </ul> <p>The council will support proposals for the creation of new or enhanced green infrastructure provided these do not conflict with other Local Plan policies.</p>	<p>The Illustrative Masterplan (drawing ref: 00-101 Rev D) shows that the Proposed Development will include new areas of informal, publicly accessible open space across the previously privately-owned field, together with the opportunity to provide new accessible pedestrian links across the Site.</p>
<p><b>Policy LP32: Landscape</b></p>	
<p>Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular:</p> <ul style="list-style-type: none"> <li>a. the need to protect the setting and special qualities of the Peak District National park, views in and out of the park and views from surrounding viewpoints;</li> <li>b. the setting of settlements and buildings within the landscape;</li> <li>c. the patterns of woodland, trees and field boundaries;</li> <li>d. the appearance of rivers, canals, reservoirs and other water features within the landscape.</li> </ul>	<p>The landscape appraisal demonstrates that the Site has a high level of visual containment, with views from beyond the Site boundary experiencing only minor visual effects as a result of the Proposed Development. Topography, existing built form, and existing areas of mature vegetation (including field boundary vegetation and woodland) serve to filter or obscure views of the Site. Only those views in close proximity to the Site, from the PROW and adjacent housing are likely to undergo very noticeable change. Any change to longer distance views would be reduced by the layered screening effects of existing field networks and boundary vegetation and recommended tree planting.</p> <p>There would be some change to the landscape character, through the transformative development of existing arable land but these changes would be consistent with urban fringe character area that applies to the Site. Beyond the immediate boundaries of the Site, the landscape effects would be reduced due to physical /visual containment of the Site, which will be further reinforced through additional tree and hedgerows planting.</p> <p>The Parameter Plan (drawing ref: 00-211 Rev C) and the Illustrative Masterplan (drawing ref: 00-101 Rev D) has been informed by the mitigation recommendations of the landscape appraisal and developed alongside a strategic landscape framework. The key principles identified and taken forward in the design include: maintaining a generous offset between Dum Wood and the proposed houses, retaining and protecting TPO trees on the southern boundary and deeper within the Site, integrating trees and hedgerows within the proposed</p>

Policy	Application Compliance
	<p>publicly accessible open space, conserve the existing PROW, and materials, height and massing has been considered in relation to the existing character of buildings.</p> <p>The Proposed Development is consistent with the requirements of Policy LP32.</p>
<b>Policy LP33: Trees</b>	
<p>The Council will not grant planning permission for developments which directly or indirectly threaten trees or woodlands of significant amenity.</p> <p>Proposals should normally retain any valuable or important trees where they make a contribution to public amenity, the distinctiveness of a specific location or contribute to the environment, including the Wildlife Habitat Network and green infrastructure networks.</p> <p>Proposals will need to comply with relevant national standards regarding the protection of trees in relation to design, demolition and construction. Where tree loss is deemed to be acceptable, developers will be required to submit a detailed mitigation scheme.</p>	<p>A Tree Survey and Arboricultural Survey has been submitted with the Application. The survey identifies that just under half of the tree groups were assessed as high quality (retention category A). Fifty eight individual trees, thirty tree groups and two woodlands with an influence on the Site were surveyed. The proposed layout has been heavily influenced by this tree survey, with substantial amendment made at the design stage to try to incorporate as many high amenity trees as possible into the scheme.</p> <p>Native trees and hedgerows have been retained where possible to preserve the existing character of the Site. It is suggested that proposed trees and shrubs should be of native species to strengthen the existing biodiversity.</p> <p>A 20m development buffer zone is proposed around the perimeter of Dum Wood to protect the amenity of the woodland block.</p> <p>The proposals comply with Policy LP33.</p>
<b>Policy LP35: Historic environment</b>	
<ol style="list-style-type: none"> <li>1. Development proposals affecting a designated heritage asset (or an archaeological site of national importance) should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm, or all of the following are met: <ol style="list-style-type: none"> <li>a. the nature of the heritage asset prevents all reasonable uses of the site;</li> <li>b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;</li> <li>c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li> <li>d. the harm or loss is outweighed by the benefit of bringing the site back into use.</li> </ol> </li> <li>2. Proposals which would remove, harm or undermine the significance of a non-designated heritage asset, or its contribution to the character of a place will be permitted only where benefits of the development outweigh the harm having regard to the scale of the harm and the significance of the heritage asset. In the case of developments affecting archaeological sites of less than national importance where development affecting such sites is acceptable in principle, mitigation of damage will be ensured through preservation of the remains in situ as a preferred solution. When in situ preservation is not justified, the developer will be required to make adequate provision for excavation and recording before or during development.</li> <li>3. Proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area and ensure they are appropriately conserved, to the extent warranted by their significance, also having regard to the wider benefits of development. Consideration should be given to the need to:</li> </ol>	<p>The Site does not fall within a conservation area. The closest conservation area is located 1.7km to the west of the Site (Station Road Batley Conservation Area).</p> <p>There are no designated heritage assets recorded within the Site but in the study area (a 1km radius from the Site boundary) are eight Grade II Listed Buildings: Toll Gates outside Toll Bar Cottage to the south west; Manor Farm Barn and 25-27 Baghill Road to the north-east; The Church of St Mary to the north; Haigh Hall to the east; and, The Church of St Paul to the south west.</p> <p>Although not designated assets, there are also five areas of ancient replanted woodland within the study area, most notably the ancient replanted woodland Dum Wood which bounds the Site to the east.</p> <p>Setting assessments were undertaken in respect of the Grade II Listed Haigh Hall and Church of St Paul. It was concluded that the Proposed Development will not alter the key ways in which these assets are currently experienced and any wider landscape views which could potentially incorporate the Site do not contribute to the heritage significance of the assets. On this basis the proposals will not cause harm to the prevailing significance of the assets through alteration of their setting and therefore the proposals would be anticipated to result in no harm.</p> <p>A geophysical survey carried out across the Site recorded anomalies, confirmed that the previously recorded cropmarks were likely to be archaeological in origin. It is considered, however, that the potential for currently known archaeological remains to be present within the Site is limited. An appropriately designed archaeological mitigation strategy will therefore be agreed with the Council's archaeologist through a planning condition.</p> <p>The proposal accords with the requirements of Policy LP35.</p>

Policy	Application Compliance
<ul style="list-style-type: none"> <li>a. ensure that proposals maintain and reinforce local distinctiveness and conserve the significance of designated and non-designated heritage assets;</li> <li>b. ensure that proposals within Conservation Areas conserve those elements which contribute to their significance;</li> <li>c. secure a sustainable future for heritage assets at risk and those associated with the local textile industry, historic farm buildings, places of worship and civic and institutional buildings constructed on the back of the wealth created by the textile industry as expressions of local civic pride and identity;</li> <li>d. identify opportunities, including use of new technologies, to mitigate, and adapt to, the effects of climate change in ways that do not harm the significance of heritage assets and, where conflict is unavoidable, to balance the public benefit of climate change mitigation measures with the harm caused to the heritage assets' significance;</li> <li>e. accommodate innovative design where this does not prejudice the significance of heritage assets;</li> <li>f. preserve the setting of Castle Hill where appropriate and proposals which detrimentally impact on the setting of Castle Hill will not be permitted.</li> </ul>	
<b>Policy LP38: Minerals safeguarding</b>	
<ul style="list-style-type: none"> <li>1. Surface development will only be permitted within a Mineral Safeguarded Area where it has been demonstrated that: <ul style="list-style-type: none"> <li>a. the mineral concerned is proven to be of no economic value as a result of the undertaking of a Mineral Resource Assessment; or</li> <li>b. the development will not inhibit mineral extraction if required in the future; or</li> <li>c. there is an overriding need for the development; or</li> <li>d. the mineral can be extracted prior to the development taking place</li> </ul> </li> <li>2. This policy will not apply to the following classes of surface development as they are unlikely to lead to the long term sterilisation of viable mineral resources: <ul style="list-style-type: none"> <li>a. extension to existing buildings and the erection of ancillary buildings within their curtilages;</li> <li>b. developments on sites of less than 1000 sq. meters except for proposals within 250 metres of an existing planning permission for mineral extraction;</li> <li>c. minor development (such as walls, gates and access);</li> <li>d. temporary uses of sites for periods of less than 5 years;</li> <li>e. amendments to previously approved developments;</li> <li>f. applications for Listed Building Consent;</li> <li>g. reserved matters;</li> <li>h. applications for advertisement consent.</li> </ul> </li> </ul>	<p>Due to the Site's mining legacy, a Coal Authority Mining Risk Assessment for the Site has been prepared by Patrick Parsons and is submitted with this Application. The Assessment proposed recommended mitigation measures be incorporated when future Reserved Matters are prepared and during construction:</p> <ul style="list-style-type: none"> <li>• Comprehensive assessment of archive exploratory data associated with the historic opencast of the Site. Further proof drilling is recommended to confirm the status of the Beck Bottom Stone, Gawber, 27 Yard and Swallow Wood coal seams. If shallow mining is confirmed as potentially affecting surface stability, consolidation by drill and grout would be required.</li> <li>• Intrusive investigation to determine the exact location of the former recorded shafts within the Site with appropriate treatment and capping required.</li> </ul> <p>It is considered that the Proposed Development satisfies the criteria to justify surface development within a Mineral Safeguarded Area. This is 1c – "there is an overriding need for the development". This is justified through the Site's allocation for mixed-use development in the Local Plan and its major contribution to housing and employment need.</p>

Policy	Application Compliance
<p><b>Policy LP47: Healthy, active and safe lifestyles</b></p>	
<p>The council will, with its partners, create an environment which supports healthy, active and safe communities and reduces inequality.</p> <p>Healthy, active and safe lifestyles will be enabled by:</p> <ol style="list-style-type: none"> <li>a. facilitating access to a range of high quality, well maintained and accessible open spaces and play, sports, leisure and cultural facilities;</li> <li>b. increasing access to green spaces and green infrastructure to promote health and mental well-being;</li> <li>c. the protection and improvement of the stock of playing pitches;</li> <li>d. supporting initiatives which enable or improve access to healthy food. For example, land for local food growing or allotments;</li> <li>e. increasing opportunities for walking, cycling and encouraging more sustainable travel choices;</li> <li>f. supporting energy efficient design and location of development;</li> <li>g. ensuring that the current air quality in the district is monitored and maintained and, where required, appropriate mitigation measures included as part of new development proposals;</li> <li>h. creating high-quality and inclusive environments incorporating active design and the creation of safe, accessible and green environments which minimise and mitigate against potential harm from risks such as pollution and other environmental hazards;</li> <li>i. encouraging the co-location of facilities so that different types of open space and facilities for sport and recreation can be located next to each other and in close proximity to other community facilities for education and health;</li> <li>j. working with partners to manage the location of hot food take-aways particularly in areas of poor health;</li> <li>k. encouraging initiatives to promote energy efficiency within homes; and</li> <li>l. supporting appropriate initiatives which address poor health indicators and anti-social behaviour in the district.</li> </ol> <p>Health Impact Assessments will be carried out for all proposals that are likely to have a significant impact on the health and well-being of the local communities, or particular groups within it, in order to identify measures to maximise the health benefits of the development and avoid any potential adverse impacts.</p>	<p>A Health Impact Assessment (HIA) has been prepared by Deloitte LLP in relation to the Proposed Development. The Healthy Planning Checklist within Chapter 5 of the HIA assesses the likely positive and negative impacts of the Proposed Development and also whether the impacts are uncertain or certain.</p> <p>The Proposed Development has been developed with consideration for health impact and ensuring a safe and secure site for future residents by:</p> <ul style="list-style-type: none"> <li>• The creation of new pedestrian and cycle links through the Site and to the wider countryside beyond</li> <li>• The provision of publically accessible open space within the centre of the site ensuring natural surveillance</li> <li>• A layout that provides natural surveillance and clear connections throughout the site.</li> </ul> <p>Potential health impact issues have been addressed by the Proposed Development, including noise protection, accessibility, flood risk and design. No further changes are considered necessary at this stage, however there are future opportunities once Reserved Matters are submitted.</p>
<p><b>Policy LP49: Educational and health care needs</b></p>	
<p>Where the scale of development proposed may impact on education and health provision, the council will actively work with applicants to resolve key planning issues in advance of a planning application being submitted.</p> <p>The need for the provision of additional school places will be a material consideration when proposals for new housing development are considered. Developers should work with the council at the earliest opportunity to ensure the phasing of development and appropriate mitigation is identified in a timely manner to ensure education provision can be secured.</p> <p>Proposals for new or enhanced education facilities will be permitted where:</p>	<p>The Applicant will liaise with the LPA following submission of the application to establish whether the impact of the scheme requires a contribution towards education and/or health provision.</p>

Policy	Application Compliance
<p>a. they will meet an identified deficiency in provision;</p> <p>b. the scale, range, quality and accessibility of education facilities are improved;</p> <p>c. they are well related to the catchment they are intended to serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.</p> <p>Proposals for new or enhanced healthcare facilities will be permitted where:</p> <p>a. the scale and location is appropriate for the catchment;</p> <p>b. there is a need for a new healthcare facility, particularly in relation to the spatial development strategy;</p> <p>c. they are well related to the catchment they will serve to minimise the need to travel or they can be made accessible by walking, cycling and public transport.</p>	
<b>Policy LP50: Sport and physical activity</b>	
<p>The council will seek to protect, enhance and support new and existing open spaces, outdoor and indoor sport and leisure facilities where appropriate, encouraging everyone in Kirklees to be as physically active as possible and promoting a healthier lifestyle for all.</p> <p>Sport and leisure facilities will be protected where they are needed to meet current and future demands. The loss of open space, sport and leisure facilities will only be allowed where:-</p> <p>a. an assessment clearly shows that the site is no longer required to meet an identified need for open space, sport, or recreation use; or</p> <p>b. equivalent or better replacement facilities in terms of quantity and quality are provided to compensate for those lost as a result of the development and these are within an easily accessible location for existing and potential new users; or</p> <p>c. the proposal is for an alternative sport, leisure or open space use that is needed to help address identified deficiencies and clearly outweighs the loss of the existing facility.</p> <p>Any proposed loss of community sports facilities should be supported by a detailed needs assessment report.</p> <p>The enhancement of outdoor sports facilities through improving the quality and management of sites as identified in the Playing Pitch Strategy will be supported.</p> <p>The creation of new outdoor sport facilities will be supported which help address deficiencies in playing pitches identified in the Playing Pitch Strategy particularly proposals which help meet the significant shortfalls in football.</p> <p>Support will be given to proposals which expand and enhance the range of indoor leisure facilities on offer in the district, provided this does not conflict with other Local Plan policies. Where these facilities are included within the definition of town centre uses, such as health and fitness facilities and sports centres, the Local Plan town centres policy will apply including the sequential test.</p> <p>Support will be given to proposals that enable community use of school facilities, particularly where these help meet sport and leisure needs of the local community as identified in the Built Leisure &amp; Sports Facilities Strategic Framework and the Playing Pitch Strategy. The renewal or redevelopment of secondary school sites will be encouraged to make provision for community use and where possible secured through the planning process.</p>	<p>The Illustrative Masterplan (drawing ref: 00-101 Rev D) shows that the Proposed Development will include new areas of informal, publicly accessible open space across the previously privately-owned field, together with the opportunity to provide new accessible pedestrian links across the Site.</p> <p>The final design for the publically accessible open space will be confirmed at the Reserved Matters stage.</p> <p>The Proposed Development is therefore in accordance with the requirements of local and national planning policy and guidance with respect to open space considerations.</p>

Policy	Application Compliance
<b>Policy LP51: Protection and improvement of local air quality</b>	
<ol style="list-style-type: none"> <li>1. Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air pollution which would have an unacceptable impact on the natural and built environment or to people.</li> <li>2. Proposals that have the potential to increase local air pollution either individually or cumulatively must be accompanied by evidence to show that the impact of the development has been assessed in accordance with the relevant guidance. Development which has the potential to cause levels of local air pollution to increase must incorporate sustainable mitigation measures that reduce the level of this impact. If sustainable measures cannot be introduced the development will not be permitted.</li> <li>3. Where the development introduces new receptors into Air Quality Management Areas or Areas of Concern or near other areas of relatively poor air quality, for example near roads or junctions, the development must incorporate sustainable mitigation measures that protect the new receptors from unacceptable levels of air pollution. Where sustainable mitigation measures cannot be introduced which prevent receptors from being exposed to unsafe levels of air pollution, development will not be permitted.</li> </ol>	<p>The Site is not located within an Air Quality Management Area (AQMA).</p> <p>The air quality assessment established that a Construction Management Plan will address the implications of any dust impacts on air quality at construction stage. The dispersion modelling carried out indicates that the impact of the scheme will be negligible and well below relevant air quality objectives at all locations assessed.</p>
<b>Policy LP52: Protection and improvement of environmental quality</b>	
<p>Proposals which have the potential to increase pollution from noise, vibration, light, dust, odour, shadow flicker, chemicals and other forms of pollution or to increase pollution to soil or where environmentally sensitive development would be subject to significant levels of pollution, must be accompanied by evidence to show that the impacts have been evaluated and measures have been incorporated to prevent or reduce the pollution, so as to ensure it does not reduce the quality of life and well-being of people to an unacceptable level or have unacceptable impacts on the environment.</p> <p>Such developments which cannot incorporate suitable and sustainable mitigation measures which reduce pollution levels to an acceptable level to protect the quality of life and well-being of people or protect the environment will not be permitted.</p> <p>Where possible, all new development should improve the existing environment.</p>	<p>A Noise and Impact Assessment prepared by Delta Simons is submitted in support of the Application. This assesses the likely significant effects of the Proposed Development on the existing area with respect to Noise and Vibration and whether mitigation is necessary.</p> <p>Baseline noise conditions were ascertained through on-site monitoring at three locations with the assessment carried out following the guidance of ProPG. The initial noise assessment indicates that the Site is exposed to a low risk noise environment.</p> <p>Close board fences along the Site’s west and north boundary and potential façade sound insulation treatments have been recommended to provide shielding from road traffic noise to the internal noise levels in the proposed houses and to the external amenity spaces. With these mitigation measures, the adverse impacts of noise will be mitigated and the guidance values for internal noise environment and external amenity spaces are achieved.</p> <p>Further details of the acoustic design of the Proposed Development and any mitigation measures required will be provided at the Reserved Matters stage and can be addressed by planning condition.</p> <p>All matters relating to the construction impacts of the Proposed Development will be addressed through a condition requiring the submission of a Construction Management Plan.</p>
<b>Policy LP53: Contaminated and unstable land</b>	
<p>Development on land that is unstable, currently contaminated or suspected of being contaminated due to its previous history or geology, or that will potentially become contaminated as a result of the development, will require the submission of an appropriate contamination assessment and/or land instability risk assessment.</p> <p>For developments identified as being at risk of instability, or where there is evidence of contamination, measures should be incorporated to remediate the land and/or incorporate other measures to ensure that the contamination/instability does not have the potential to cause harm to people or the environment. Such developments which cannot incorporate suitable and sustainable mitigation measures which protect the well-being of residents or protect the environment will not be permitted.</p>	<p>A Phase 1 Geo-Environmental Desk Study for the Site has been prepared by Patrick Parsons and is submitted with the Application. The report examines ground conditions across the Site and concludes, with regard to ground contamination, that risk of significant contamination on site is generally considered to be low with areas indicated during the walkover to present a moderate risk associated with mining legacy infrastructure.</p> <p>With regard to KM19 Policy LP38, it is considered that the Proposed Development satisfies the criteria to justify surface development within a Mineral Safeguarded Area. This is 1c – “there is an overriding need for the development”. This is justified through the Site’s allocation for mixed-use development in the Local Plan and its major contribution to housing and employment need.</p> <p>Due to the Site’s mining legacy, a Coal Mining Risk Assessment for the Site has been prepared by Patrick Parsons and is submitted with this Application. The Assessment proposed recommended mitigation measures be incorporated when future Reserve Matters submissions are prepared and during construction:</p> <ul style="list-style-type: none"> <li>• Comprehensive assessment of archive exploratory data associated with the historic opencast of the Site. Further proof drilling is recommended to confirm the status of the Beck Bottom Stone, Gawber, 27 Yard</li> </ul>

Policy	Application Compliance																		
	<p>and Swallow Wood coal seams. If shallow mining is confirmed as potentially affecting surface stability, consolidation by drill and grout would be required.</p> <ul style="list-style-type: none"> <li>Intrusive investigation to determine the exact location of the former recorded shafts within the Site with appropriate treatment and capping required.</li> </ul> <p>The proposals have addressed the requirements of Policy LP53.</p>																		
Policy LP63: New open space																			
<p>The council will seek to secure well-designed new and improved open space, sport and recreation facilities in the district to encourage everyone in Kirklees to be as physically active as possible and promote a healthy lifestyle for all.</p> <p>New housing developments will be required to provide or contribute towards new open space or the improvement of existing provision in the area, unless the developer clearly demonstrates that it is not financially viable for the development proposal. New open space should be provided in accordance with the council's local open space standards or national standards where relevant.</p> <p>In determining the required open space provision, the council will have regard to the type of housing proposed and the availability, quality and accessibility of open space provision in the area assessed in accordance with the council's district wide open space standards. The provision of playing pitches will also be considered. This analysis will help determine the need for new on-site or off-site provision, enhancement of existing provision and/or a financial contribution.</p> <p>In areas where existing open space provision is insufficient to meet local needs, provision of new open space on-site would be preferred to meet the needs of the development. Where this is not viable the expansion or improvement of existing open space provision in the area will be sought and the co-location of open space, sport and recreation facilities will be encouraged. Open space provided on-site should be designed to complement existing facilities in the area and to allow for informal children's play through good quality landscape design.</p> <p>In areas where existing provision is sufficient to meet local needs, new open space can be provided on-site for amenity purposes and to achieve a well-designed scheme. New provision should complement existing facilities in the vicinity and enhance the natural landscape and environment.</p> <p>The council will support proposals that provide a sustainable and community led approach to the management and maintenance of public open spaces to encourage local communities to take an active role in looking after public open spaces near where they live.</p>	<p>A total of 10,302 sq. m. of publically accessible space has been proposed in accordance with pre-application discussions with the Council. The following types and amounts of publically accessible open space are proposed.</p> <table border="1" data-bbox="1466 558 2594 1199"> <thead> <tr> <th>Category of PAOS</th> <th>Policy Requirement (sqm)</th> <th>Provision on Illustrative Masterplan (sqm)</th> </tr> </thead> <tbody> <tr> <td>Parks/recreation grounds (19.44sqm per dwelling)</td> <td>3,518</td> <td>1,145</td> </tr> <tr> <td>Children's equipped/designated play areas (6.1sqm per dwelling)</td> <td>1,104</td> <td>1,612</td> </tr> <tr> <td>Amenity greenspace (14.58sqm per dwelling)</td> <td>2,639</td> <td>3,569</td> </tr> <tr> <td>Natural/semi-natural greenspace (48.6sqm per dwelling)</td> <td>8,797</td> <td>3,976</td> </tr> <tr> <td><b>Totals</b></td> <td><b>18,284</b></td> <td><b>10,302</b></td> </tr> </tbody> </table> <p>In meeting the requirements set out by the Council for the site, consideration has been given to composition and cumulative level of open space proposed across both the Leeds Road application and this Application. Taken together, the proposals meet Local Plan policy requirements. However, the precise composition and level of open space will be determined at Reserved Matter Stage in response to the housing mix proposed.</p>	Category of PAOS	Policy Requirement (sqm)	Provision on Illustrative Masterplan (sqm)	Parks/recreation grounds (19.44sqm per dwelling)	3,518	1,145	Children's equipped/designated play areas (6.1sqm per dwelling)	1,104	1,612	Amenity greenspace (14.58sqm per dwelling)	2,639	3,569	Natural/semi-natural greenspace (48.6sqm per dwelling)	8,797	3,976	<b>Totals</b>	<b>18,284</b>	<b>10,302</b>
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**Material Considerations**

**National Planning Policy Framework**

Policy	Application Compliance
<b>Chapter 2. Achieving sustainable development</b>	
<p><i>Chapter Summary</i></p> <p>This Chapter identifies the purpose of the planning system as contributing to the achievement of sustainable development (the objective of which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs<sup>3</sup>, and sets out how this objective can be achieved through plan-making and decision-taking.</p>	<p>The Site is a sustainable location and will contribute to Chidswell’s social vitality and economic viability.</p> <p>The Proposed development will provide a range of benefits including:</p> <ul style="list-style-type: none"> <li>• The delivery of up to 181 new homes, including the provision of a mix of size, type and tenure, which will be subject to a future Reserved Matters submission;</li> <li>• New jobs will be created through construction and within the local supply chain;</li> <li>• New pedestrian and cycle links are proposed;</li> <li>• Integrated publically accessible open space including a designated play area; and,</li> <li>• Retention of key woodland block (Dum Wood), associated buffer zone and retention of the existing Public Right of Way.</li> </ul> <p>The proposals comply with the objectives of Chapter 2 in achieving sustainable development.</p>
<p><i>Paragraph 8</i></p> <p>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</p> <p>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</p> <p>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</p> <p>c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</p>	<p>See above.</p>
<p><i>Paragraph 10</i></p> <p>So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).</p>	<p>See above.</p>

<sup>3</sup> This is the Brundtland Commission definition of sustainable development, as per Resolution 42/187 of the United Nations General Assembly, 11 December 1987. Accessed at <http://www.un.org/documents/ga/res/42/ares42-187.htm>, 20 September 2018.

Policy	Application Compliance
<p><i>Paragraph 11</i></p> <p>Plans and decisions should apply a presumption in favour of sustainable development.</p> <p>For plan-making this means that:</p> <ul style="list-style-type: none"> <li>a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;</li> <li>b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:                             <ul style="list-style-type: none"> <li>i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or</li> <li>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</li> </ul> </li> </ul> <p>For decision-taking this means:</p> <ul style="list-style-type: none"> <li>c) approving development proposals that accord with an up-to-date development plan without delay; or</li> <li>d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:                             <ul style="list-style-type: none"> <li>i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or</li> <li>ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.</li> </ul> </li> </ul>	<p>See above.</p>
<p><b>Chapter 3. Plan-making</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter sets out that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.</p>	<p>See below.</p>
<p><i>Paragraph 34</i></p> <p>Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.</p>	<p>The proposals will provide a level of affordable housing on Site. The amount and tenure split will be subject to discussion and agreement with the LPA during the determination of this Application and will be finalised in a s106 agreement.</p>
<p><b>Chapter 4. Decision-taking</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter sets out that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible. Early engagement and pre-application discussion is encouraged. Planning conditions should be kept to a minimum and only imposed where necessary. Planning obligations must only be sought if they meet certain tests.</p>	<p>See above.</p>

Policy	Application Compliance
<p><i>Paragraph 39</i></p> <p>Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.</p>	<p>A comprehensive programme of pre-application consultation has been undertaken in order to ensure that key stakeholders have had the opportunity to view the emerging proposals, to ask questions, and to provide comments. Please see the Statement of Consultation submitted in support of the Application for further details.</p>
<p><i>Paragraph 41</i></p> <p>The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.</p>	<p>See above.</p>
<p><i>Paragraph 54</i></p> <p>Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.</p>	<p>The Proposed Development will address its key infrastructure requirements through a combination of on-site infrastructure and off-site financial contributions. The timing and scale of any contributions will be subject to discussion and agreement with the LPA during the determination of this Application and will be finalised in a s106 agreement.</p>
<p><i>Paragraph 56</i></p> <p>Planning obligations must only be sought where they meet all of the following tests:</p> <ul style="list-style-type: none"> <li>a) necessary to make the development acceptable in planning terms;</li> <li>b) directly related to the development; and</li> <li>c) fairly and reasonably related in scale and kind to the development.</li> </ul>	<p>See above.</p>
<p><b>Chapter 5. Delivering a sufficient supply of homes</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter outlines the need to provide high quality homes, to widen opportunities for home ownership, and to create sustainable communities.</p> <p>It identifies that the mix of housing should be based on demographic trends and market trends, and that there is an appropriate mix of size, type and tenure of housing to meet local demands.</p> <p>In addition, where a major residential development is proposed at least 10% of the homes should be affordable.</p>	<p>The Proposed Development will deliver up to 181 new homes, making a valuable contribution to KMDC's housing targets over the current plan period. The level of affordable housing will be secured via S106 agreement following discussions with the LPA.</p> <p>Given the above, it is considered that the principle of residential development is accepted by KMDC and that the proposed use is consistent with relevant National planning policies governing the delivery of a sufficient supply of homes.</p>
<p><i>Paragraph 59</i></p> <p>To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.</p>	<p>See above.</p>
<p><i>Paragraph 60</i></p> <p>To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.</p>	<p>See above.</p>

Policy	Application Compliance
<p><i>Paragraph 61</i></p> <p>Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).</p>	See above.
<p><i>Paragraph 62</i></p> <p>Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site unless:</p> <p>a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and</p> <p>b) the agreed approach contributes to the objective of creating mixed and balanced communities.</p>	See above.
<p><i>Paragraph 63</i></p> <p>Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.</p>	See above.
<p><i>Paragraph 64</i></p> <p>Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:</p> <p>a) provides solely for Build to Rent homes;</p> <p>b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);</p> <p>c) is proposed to be developed by people who wish to build or commission their own homes; or</p> <p>d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.</p>	See above.
<p><i>Paragraph 66</i></p> <p>Where it is not possible to provide a requirement figure for a neighbourhood area, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.</p>	See above.
<p><i>Paragraph 67</i></p> <p>Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:</p> <p>a) specific, deliverable sites for years one to five of the plan period; and</p>	See above.

Policy	Application Compliance
<p>b) specific, deliverable sites for years one to five of the plan period; and specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.</p>	
<p><i>Paragraph 72</i></p> <p>The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities. Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:</p> <p>a) consider the opportunities presented by existing or planned investment in infrastructure, the area’s economic potential and the scope for net environmental gains;</p> <p>b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;</p> <p>c) set clear expectations for the quality of the development and how this can be maintained (such as by following Garden City principles), and ensure that a variety of homes to meet the needs of different groups in the community will be provided;</p> <p>d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations); and</p> <p>e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.</p>	<p>See above.</p>
<p><b>Chapter 8. Promoting healthy and safe communities</b></p>	
<p><i>Chapter Summary</i></p> <p>Development should promote social interaction, for example through mixed-use schemes and street layouts that allow for easy pedestrian and cycle connections within and between neighbourhood, and promote active frontages.</p> <p>Development should be safe and accessible, reducing crime and the fear of crime. In addition, proposals should encourage and support health lifestyles, for example through provision of safe and accessible green infrastructure and layouts that encourage walking and cycling. Developments should also protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.</p>	<p>At this stage, the detailed design for the Proposed Development has not been finalised, and Outline Planning Permission only is being sought. Approval of the details of the proposed appearance, landscaping, layout and scale will be sought at Reserved Matters stage.</p> <p>Nevertheless, the Design and Access Statement, and the Parameters Plan (drawing ref: 00-211 Rev C) prepared by Enjoy Design and submitted with the Application shows that the design of the scheme seeks to develop residential communities through the inclusion of landscaping and publically accessible open space.</p> <p>Healthy lifestyles will be encouraged by the creation of new pedestrian and cycle links, and the provision of a significant amount of publically accessible open space including new trees, shrubs and habitat planting.</p> <p>The proposals incorporate natural surveillance, which minimise opportunities for potential crime and disorder.</p> <p>The Proposed Development therefore supports the objectives of Chapter 8 with regard to promoting health and safe communities.</p>
<p><i>Paragraph 91</i></p> <p>Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:</p> <p>a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;</p>	<p>Please see above</p>

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<ul style="list-style-type: none"> <li>b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas; and</li> <li>c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.</li> </ul>	
<p><i>Paragraph 92</i></p> <p>To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</p> <ul style="list-style-type: none"> <li>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</li> <li>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</li> <li>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day-to-day needs;</li> <li>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</li> <li>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</li> </ul>	<p>See above.</p>
<p><i>Paragraph 94</i></p> <p>It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:</p> <ul style="list-style-type: none"> <li>a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and</li> <li>b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.</li> </ul>	<p>The Proposed Development will address its key infrastructure requirements through a combination of on-site infrastructure and if required off-site financial contributions. The timing and scale of any contributions will be subject to discussion and agreement with the LPA during the determination of this Application and will be finalised in a s106 agreement.</p>
<p><b>Chapter 9. Promoting sustainable transport</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter requires proposals to promote walking, cycling and public transport, and states that patterns of movement, streets, parking and other considerations should be integral to the design of schemes. Proposals should also consider the potential impacts of the development on transport networks.</p>	<p>The Proposed Development has been designed so that safe and suitable access to the Site can be provided. Access to the Site is gained from a proposed opening on Heybeck Lane, achieved through the demolition of an existing house, as shown on the Site Access Plan appended to the Transport Assessment (Appendix G, drawing ref: A13398-T-002 Rev A).</p> <p>The access arrangements for the Site have been agreed with the local highway authority.</p> <p>As well as the junction off Heybeck Lane pedestrian access to the Site can be gained from the south via a new cycle/pedestrian connection between the Site and Leeds Road and a network of pedestrian routes proposed within the wider allocated land.</p> <p>The methodology and content of the TA was developed through a scoping process during 2018 and 2019 with Kirklees Council, Leeds City Council, Wakefield Council, and Highways England. A multi-modal trip generation</p>

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	<p>assessment has been undertaken to assess the impact of the Proposed Development on the local highway network to make forecasts of generated (person) trip numbers.</p> <p>It is concluded that the traffic impacts of the Heybeck Lane development can be generally accommodated within the overall existing highway network capacity, without the cause for any mitigation.</p> <p>As far as possible, future trips from the Proposed Development will be encouraged to take place through sustainable and active travel modes by design and location of the Site, but further reinforced by the FTP which will be in place. Existing and future bus, rail and local active travel options (such as walking and cycling) will ensure that the impacts of the Proposed Development are minimised, and that residents, visitors and employees have the maximum choice of travel options.</p>
<p><b>Chapter 12. Achieving well-designed places</b></p>	
<p>Chapter Summary</p> <p>This Chapter states that the planning process is fundamental to creating high-quality buildings and places. Good design is key to sustainable development and contributes to creating better places in which to live and work. It outlines that developments should aim to:</p> <ul style="list-style-type: none"> <li>• Add to the overall quality of the area and function well over the lifetime of the development.</li> <li>• Be visually attractive as a result of good architecture, layout and appropriate and effective landscaping.</li> <li>• Be sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).</li> <li>• Establish or maintain a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.</li> <li>• Optimise the potential of the site, create and sustain an appropriate mix of uses.</li> <li>• Create safe, inclusive and accessible environments which promote health and well-being.</li> </ul>	<p>The Application is accompanied by a Masterplan Framework and a Design and Access Statement. The Masterplan Framework sets out the design rationale for the allocation as a whole and the design and access statement explains the design approach to the planning Application. The outcome of the design process explained in these documents is set out in a series of Parameter Plans which form the framework for a comprehensive Illustrative Masterplan (drawing ref: 00-001 Rev R). It shows how the proposals for the Heybeck Lane development and Leeds Road development have been prepared as one cohesive whole.</p> <p>The Design and Access Statement explains how the proposals have evolved, having considered the Site's constraints and opportunities, in addition to responding to the pre-application discussions and public consultation that took place prior to submission. The following constraints and opportunities were taken forward within the design proposals:</p> <ul style="list-style-type: none"> <li>• The existing Public Right of Way that crosses the Site has been protected and new pedestrian connectivity is promoted within the Site, linking with the wider countryside to the east and the Local Centre proposed in the Land to the East of Leeds Road application.</li> <li>• The existing hedgerows and tree belts which cross the Site will be retained where possible within green corridors to enhance wayfinding, preserve biodiversity and add character to the design.</li> <li>• An existing foul sewer dissects the Site and an appropriate 6m easement has been retained.</li> <li>• A development buffer is proposed to protect the adjacent replanted ancient woodland, Dum Wood.</li> <li>• There are long range views both into and out of the Site which have been considered through the preparation of the Illustrative Masterplan, particularly in relation to utilising field patterns created by north-south hedgerows, and proposing new planting where required.</li> <li>• The existing belt of trees located along the southern boundary provides an existing landscape buffer and is an important feature which defines the Public Right of Way and have been retained.</li> <li>• The angular proportions of the land provides an opportunity to create a central focal point for the development in the form of publically accessible open space. This is shown on the Illustrative Masterplan.</li> </ul> <p>The proposals draw on the guidance set out within the recently adopted National Design Guide. The proposed land parcels adopt a coherent pattern of development that responds to the Site's topography and aspect. Pedestrian and vehicular movement routes are distinctive and easy to negotiate through strong lines of sight and use of open aspect.</p> <p>Details submitted as part of subsequent Reserved Matters submissions will demonstrate how the proposals use high quality design and construction methods with carefully selected materials to create a well-designed residential community.</p>

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<p><i>Paragraph 124</i></p> <p>The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p>	<p>See above.</p>
<p><i>Paragraph 127</i></p> <p>Planning policies and decisions should ensure that developments:</p> <p>a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;</p> <p>b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;</p> <p>c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);</p> <p>d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;</p> <p>e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and</p> <p>f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users: and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.</p>	<p>See above.</p>
<p><b>Chapter 14. Meeting the challenge of climate change, flooding and coastal change</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter sets out how the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.</p>	<p>At this stage, the detailed design for the Proposed Development has not been finalised, and Outline Planning Permission only is being sought. Approval of the details of the sustainability of the Proposed Development will be provided at the Reserved Matters stage to ensure that energy efficient design and construction methods are incorporated into the detailed proposals, and that the finalised scheme complies with both Local and National planning policy and guidance.</p> <p>The Sustainability Statement concludes that subject to provision of detailed design at Reserved Matters stage in accordance with the outline approach set out at this stage, it is considered that the Proposed Development meets the sustainability requirements of local and national planning policy.</p> <p>The approach to flood risk management and sustainable drainage and surface water management is set out below.</p>
<p><i>Paragraph 163</i></p> <p>When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment<sup>50</sup>. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:</p> <p>a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;</p> <p>b) the development is appropriately flood resistant and resilient;</p>	<p>A Site-Specific Flood Risk Assessment has been prepared by Patrick Parsons and is submitted with the Application. The Flood Risk Assessment identifies that the Site is located in Flood Zone 1 and is therefore at low risk of fluvial flooding.</p> <p>Surface water runoff will be discharged to the appropriate local unnamed water courses located outside the Site boundary to the southern boundary.</p> <p>Yorkshire Water have advised that foul flows can be discharged to the public combined sewer recorded crossing the Site's south eastern corner.</p>

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<p>c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;</p> <p>d) any residual risk can be safely managed; and</p> <p>e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.</p>	<p>At detailed design stage, a surface water drainage system will be incorporated into the design to maintain current greenfield runoff rates and provide suitable drainage with appropriate water quality benefits and treatments before infiltrating into the ground.</p>
<p><i>Paragraph 165</i></p> <p>Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:</p> <p>a) take account of advice from the lead local flood authority;</p> <p>b) have appropriate proposed minimum operational standards;</p> <p>c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and</p> <p>d) where possible, provide multifunctional benefits.</p>	<p>See above.</p>
<p><b>Chapter 15. Conserving and enhancing the natural environment</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter sets out how planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;</p> <p>c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;</p> <p>d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;</p> <p>e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and</p> <p>f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.</p>	<p>A suite of detailed ecological studies have been undertaken by Brooks Ecological in relation to the Site. These studies have helped to inform the proposed design. The Parameters Plan (drawing ref: 00-211 Rev C) includes a 20m buffer zone proposed to Dum Wood.</p> <p>Native trees and hedgerows have been retained where possible to preserve the existing character of the Site. It is recommended that proposed trees and shrubs should be of native species to strengthen the existing biodiversity.</p> <p>The Illustrative Masterplan (drawing ref: 00-101 Rev D) seeks to retain significant hedgerows where possible and integrate them into the proposals by encapsulating them within areas of publically accessible open space and amenity grassland.</p>
<p><i>Paragraph 171</i></p> <p>Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.</p>	<p>See above.</p>
<p><i>Paragraph 174</i></p> <p>To protect and enhance biodiversity and geodiversity, plans should:</p>	<p>See above.</p>

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<p>a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and</p> <p>b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.</p>	
<p><i>Paragraph 175</i></p> <p>When determining planning applications, local planning authorities should apply the following principles:</p> <p>a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</p> <p>b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;</p> <p>c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons<sup>58</sup> and a suitable compensation strategy exists; and</p> <p>d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.</p>	<p>See above.</p>
<p><i>Paragraph 178</i></p> <p>Planning policies and decisions should ensure that:</p> <p>a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);</p> <p>b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and</p> <p>c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.</p>	<p>Please refer to earlier comments.</p>
<p><i>Paragraph 180</i></p> <p>Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:</p> <p>a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;</p>	<p>Please refer to earlier comments.</p>

Policy	Application Compliance
<p>b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and</p> <p>c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.</p>	
<p><i>Paragraph 181</i></p> <p>Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.</p>	<p>Please refer to earlier comments.</p>
<p><b>Chapter 16: Conserving and enhancing the historic environment</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. When determining a planning application the local planning authority should take account of the desirability of sustaining and enhance the significance of heritage assets and consider if a new development makes a positive contribution to the local character and distinctiveness.</p>	<p>Please refer to earlier comments</p>
<p><b>Chapter 17: Facilitating the sustainable use of minerals</b></p>	
<p><i>Chapter Summary</i></p> <p>This Chapter states that planning policies should safeguard mineral resources by defining Mineral Safeguarding Areas and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided.</p>	<p>Please refer to earlier comments.</p>

# Appendix B: Screening Opinion

**KIRKLEES COUNCIL INVESTMENT AND REGENERATION SERVICE**

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2015**

**SCREENING OPINION**

**CASE DETAILS**

**Applicant Reference:**

n/a

**Planning Application / Pre-application Reference:**

2018/20077

**Site Address:**

Land off Heybeck Lane, Chidswell, Dewsbury

**Proposed Development:**

Pre-application for erection of 181 dwellings

**Area of Development / Works / New Floor space (as appropriate)**

Site area: 7.16ha

**EIA DETAILS**

**Schedule 1**

*Is the proposed development Schedule 1 development as described in Schedule 1 of the EIA Regulations?*

No

*If yes, under which description of development, i.e. No's 1-21*

**Schedule 2**

*Is the proposed development Schedule 2 development as described in Column 1 of Schedule 2 of the EIA regulations?*

Yes

*If yes, under which description of development in Column 1, i.e. No's 1-13?*

10 (b) – Urban development Project

**Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?**

No

If yes, which area

**Are the applicable thresholds / criteria in Column 2 exceeded /met?**

Yes

If yes, which applicable threshold / criteria?

The development exceeds 150 dwellings and the site area exceeds 5 hectares.

## **SCREENING OPINION**

### **Characteristics of Development**

#### **Size**

The site comprises an area in excess of 7 hectares. The indicative proposal as submitted is for a residential development of 181 dwellings.

The Site is part of the proposed mixed-use allocation MX1905 in the Publication Draft Kirklees Local Plan which was submitted for Examination in April 2017. MX1905 covers an area of approximately 120 hectares and is proposed to be allocated for 1,535 dwellings and 122,500m<sup>2</sup> of employment development. As part of submissions to the Local Plan Examination a Concept Masterplan and Phasing Strategy has been developed for proposed allocation MX1905. The site currently lies in the Green Belt on the adopted Unitary Development Plan. The Green Belt boundaries have been reviewed through the preparation of the emerging Local Plan.

#### **Cumulative**

The site forms part of a wider allocation. At this stage there are no planning applications on any of the other land within the wider allocation which is promoted as a mixed use allocation in the emerging local plan. There is the potential for this scheme in combination with any of the other land within the emerging allocation coming forward at the same time, to generate more significant environmental effects. However, the background information submitted with the enquiry indicates that the

wider allocation would be phased, the current site being the first phase of development. Furthermore, other developments within the wider allocation are not at planning application stage.

As it currently stands, the proposal is not considered to be on a scale which in combination with other consented or *'in planning'* developments would generate significant environmental effects.

The proposed new access would be taken off Heybeck Lane. There is the potential for a further access point off Leeds Road which would form a component part of the wider masterplan. For the purposes of this enquiry the access would be taken off Heybeck Lane but the number of vehicular movements involved in the provision of 181 dwellings is unlikely in itself to result in significant environmental effect. Clearly, the impacts of traffic movements would need to be fully considered as part of a Transport Assessment.

### **Use of Natural Resources**

Whilst natural resources would be used in the manufacture of building materials used on the site, the scale and nature of the proposal means that it would not have a significant impact on the use of natural resources.

### **The Production of Waste**

The site is located within a high risk coal mining area. Construction waste will be produced and ground remediation works will be required, which, as set out in the supporting documents, is likely to include the treatment of contaminated soils. The production of waste material is not considered to be significant.

### **Pollution and Nuisances**

#### *Noise*

The construction of the dwellings would involve the use of heavy machinery. As such, noise would therefore be generated by these vehicles themselves as well as the heavy vehicles are loaded and unloaded. The site is located adjacent existing residential development; however, this noise is associated with the construction phase and as such would be temporary. Beyond the construction phase, noise levels would be reduced to typical domestic levels.

#### *Dust*

The main sources of dust generation are likely to result from the movement of materials during dry conditions and vehicle movements within the site. However, damping down measures are usually carried out on construction sites to mitigate against the effects of dust generation. The generation of dust would be a temporary problem which would cease on the completion of the construction works.

#### *Water Pollution*

The construction of the dwellings would require the installation of new drainage and surface water management systems. However, prior to any works commencing on site, the applicant would need to demonstrate to the Council and interested parties such as Yorkshire Water and the Environment Agency that the proposal would not adversely affect existing water and drainage regimes. As stated within the supporting documentation, areas of made ground and contamination associated with fuel and heating oil tanks (farmyards) is anticipated. However, this is not considered to have a significant impact on ground or water contamination.

#### *HGV Movements*

The tracking of mud and debris onto public highways during the construction phase is unlikely to be a significant problem and this can be controlled via the imposition of relevant conditions on any grant of outline permission. This too would comprise a temporary disturbance related to the construction phase. As such, it is not considered that this proposal would create any additional nuisance or increased highway safety risks as a result of the vehicle movements to and from the site.

#### **The Risk of Accidents**

Any accidents associated with this proposal are likely to occur on site during the construction phase. However, for health and safety purposes, the site would be secure and it is unlikely that members of the general public would be directly affected by the proposal. It is therefore considered that no significant additional risk of accidents would result.

### **Location of the Development**

#### **Existing Land Use**

The existing use of the land is agricultural and lies in the Green Belt. The Site does not lie within a Conservation Area nor does it contain any Listed Buildings. There are no statutory environmental designations on the Site. The Site is adjacent to an area identified as a Local Wildlife Site which is part of the Wildlife Habitat Network and is designated as Ancient Woodland (Dogloitch Wood and Dum Wood to the east).

#### ***Impact on Natural Resources***

The development would not impede on any important, high quality or scarce resources.

#### ***Impact on Natural Environment***

The Site is adjacent to an area identified as a Local Wildlife Site which is part of the Wildlife Habitat Network and is designated as Ancient Woodland (Dogloitch Wood and Dum Wood to the east). There are a number of TPO'd trees within the site. However, the indicative layout supports the mitigation of important biodiversity interest within and surrounding the site. There is no evidence that protected species would be significantly affected by the proposals. The impact on the natural

environment based on the scale of the development and the ecological baseline would not constitute significant environmental effects.

### **Characteristics of the Potential Impact**

#### **Extent of Impact**

The extent of the impact associated with this residential development would not have a significantly adverse impact on the local landscape. The site does not lie within a protected landscape or a National Park.

#### **Magnitude and Complexity of the Impact**

This issue must be considered in the context of the existing character of the site and its surroundings. Subject to details of the reserved matters meeting high standards of design, it is considered the magnitude of the impact would not be significant.

#### **The probability of Impact**

There will be impacts during construction particularly but the use of the land for residential would not generate significant adverse effects.

#### ***Duration, Frequency and Reversibility of Impact***

As the proposal constitutes the erection of built form, the impact of the development would not be reversible. Vehicular movements associated with the use of the land for housing would also be permanent.

### **SCREENING DECISION**

#### **Schedule 1 Development - EIA Required**

No

#### **Schedule 2 development – Not likely to have significant effects on the environment. EIA not required**

Yes

Summary / Reasons:

The application comprises the development of agricultural land already currently located in the Green Belt. Baseline studies have been undertaken to support the mixed use allocation set out in the emerging Local Plan. The scale of the development and the constraints means that the proposed development does not

constitute significant environmental effects.

At the time of writing this Screening Opinion no other large scale development proposals were committed or in planning. It is acknowledged that circumstances may change in future given the potential allocation of the wider site allocation.

**Schedule 2 Development –Threshold exceeded / criterion met / sensitive area and likely to have significant effects on the environment. EIA Required**

No

Summary / Reasons: The site does not lie in a Sensitive Area.

The proposed development is below the thresholds as shown in the indicative criteria and thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. These thresholds indicate the likelihood of proposed development requiring the submission of an EIA. In this particular case the aforementioned advice points to an EIA not being required in that the site area is below 5 hectares and provides significantly less than 1,000 dwellings. Additionally, the development proposed is not thought to have a significant urbanising effect upon the area.

**Recommendation and Authorisation Box**

<b>Officer Signature :</b>	MW	<b>Date:</b>	4 <sup>th</sup> May 2018
<b>Team Leader Signature:</b>	DW	<b>Date:</b>	22 <sup>nd</sup> May 2018

# Deloitte.

## Real Estate

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