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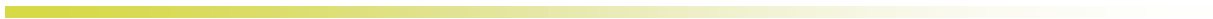
Planning & Development Consultants

Strata Homes Ltd

**Land off Westgate, Cleckheaton
Local Plan Allocation – MXS9**

**FULL PLANNING APPLICATION FOR THE ERECTION OF 194 NO. RESIDENTIAL
DWELLINGS**

PLANNING CASE REPORT





Land off Westgate Cleckheaton
Strata Homes Ltd

Planning Case Report

Date: 26 August 2021

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LIMITATIONS

The assessments and interpretation have been made in line with legislation and guidelines in force at the time of writing, representing best practice at that time.

All of the comments and opinions contained in this report, including any conclusions, are based on the information obtained by Johnson Mowat Planning Ltd during our investigations.

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1.0 INTRODUCTION

1.1 The purpose of the planning system is to positively promote the spatial organisation of land in order to achieve long-term sustainable development. In the Planning Acts, 'sustainable development' means managing the use, development and protection of land, the built environment and natural resources in a way, or at a rate, which enables people and communities to provide their social, economic and cultural wellbeing while sustaining the potential of future generations.

1.2 Planning is a vital means of securing the long-term wellbeing of our communities. It enables the efficient use of resources and infrastructure, with multiple benefits to society, the environment and the economy. England is a geographically small, densely populated nation, with multiple demands on land and built environment.

The Proposal

1.3 This Planning Case Report has been produced in support of a Full Planning Application for the Erection of 194 no. Residential Dwellings.

1.4 The Planning Case Report should be read alongside the technical documents which comprise the planning submission. These are as follows:

- Design and Access Statement – **Strata**
- Detailed Plans – **Strata**
- Climate Change Statement (part of the Planning Case Report) – **Johnson Mowat**
- Mineral Extraction Statement – **Johnson Mowat**
- Health Impact Assessment – **Johnson Mowat**
- Heritage Impact Assessment – **MB Heritage**
- Landscape Masterplan – **FDA Landscape**
- Flood Risk Assessment & Drainage Strategy – **Eastwood & Partners**
- Transport Assessment – **Andrew Moseley Associates**
- Travel Plan – **Andrew Moseley Associates**
- Phase 1 Ground Conditions – **Lithos**
- Remediation Strategy - **Lithos**
- Air Quality Impact Assessment – **Ensafe**
- Noise Impact Assessment – **C80 Solutions**
- Preliminary Ecological Appraisal– **Brooks Ecological**



- Bat Emergence Survey – **Brooks Ecological**
- Arboricultural Impact Assessment and Arboricultural Method Statement - **ECUS**

1.5 The Planning Case Report identifies the site location and provides a description of the site forming this full application, outlines relevant planning history, sets out the relevant planning policy and concludes with the planning case in support of the proposed development.



2.0 LOCATION AND SITE DESCRIPTION

- 2.1 The application site is located within the settlement of Cleckheaton within the administrative boundaries of Kirklees Council.
- 2.2 The application site is allocated for a mixture of uses including housing in the Kirklees Local Plan (KLP) (**site allocation ref. MXS9**). The indicative residential capacity of the application site is 223 dwellings, however there is a requirement to retain the existing commercial units.
- 2.3 The application site comprises around 6.46 hectares of previously developed land located to the south of Westgate, around 800 metres to the west of Cleckheaton town centre. Cleckheaton is well located in relation to the town centre of Huddersfield, as well as the city centres of Leeds and Bradford; all of which are within 12 miles of the application site. In this context Cleckheaton is a sustainable location which is currently served by a range of shops and services.
- 2.4 The application site historically has accommodated a number of industrial uses and is now largely cleared of built form and laid to scrub and grassland. The industrial uses have included the Quarry Brick Works, Westgate Chemical Works, Wharfe Works (Machinery) and the Old Rolling Mill (Iron)
- 2.5 The application site is accessed from a number of roads off Westgate, Taylor Street, Stone Street and Robert Street and from the south via Quarry Road. Westgate, an adopted road which leads on to the A643 before joining the M62.
- 2.6 There are still a number of commercial businesses operating from the application site. These are: -
- Steve Croft Transport; and,
 - Stables Garage
- 2.7 An area of land previously leased by Tangerine Confectionary Limited (accessed from Stone Street) is now used for car parking (circa. 45 spaces). To the west of the application site there is a vacant commercial unit which was formerly occupied by Ward Fabrications. Cumulatively the remaining commercial buildings extend to 3,852 sq m.
- 2.8 The surrounding area is of mixed character with terraced housing to the east, industrial and commercial uses to the north and west and woodland and pasture land to the south. Blacup Beck runs to the south of the application site.



- 2.9 The entirety of the application site is outside of the Coal Mining High Risk Area as defined by the Coal Authority. This submission is supported by a Minerals Extraction Statement which outlines how the proposals meet the requirements of Policy **LP38** of the Local Plan.
- 2.10 No designated or non-designated built heritage assets fall with the application site or its immediate vicinity. A number of designated assets fall within the locality of the application site; these include Cleckheaton Library, the Chapel at Cleckheaton Cemetery, the Church of St. Luke and Lower Blacup Farmhouse. The accompanying Heritage Statement addresses how the proposals comply with the requirements of Policy **LP35** of the Kirklees Local Plan.
- 2.11 The majority of the application site is within Flood Zone 1, with areas of Flood Zone 2 and 3 to the southern section of the application site. As discussed at pre-app, this area has become a focus for Public Open Space (POS) and no residential development is proposed in Flood Zones 2 or 3.



3.0 PLANNING HISTORY

3.1 The most relevant planning history for the application site is as follows: -

- **2010/60/91431/E1** – *Outline application for erection of mixed-use development comprising of residential and business use and change of use of Paragon Works to business use (B1)* – approved – May 2012

3.2 The approved proposals comprised of a 217 No. dwelling residential scheme, it was considered that this proposal made efficient use of land that would not be out of character with the surrounding area or existing development mix. The principle of residential development of 200+ dwellings on the application site was therefore further accepted through this planning approval.

3.3 The most recent proposals reflect a scheme for 194 no. dwellings which accounts for the policies within the Kirklees Local Plan (2019), as well as modern day building regulations. All homes are built to Nationally Described Space Standards (NDSS) whilst also providing policy compliant amenity space.

3.4 It is worth noting that the employment uses to the North East of the approved application site (2010/60/91431/E1) are not included in this submission as they are currently in active use under a separate ownership. As such, the application is only for residential use, rather than mixed-use as allocation MXS9 suggests.

Pre-application – 2020/20065

3.5 Kirklees Council provided a pre-application written response on 14 December 2020, having regard for a 197 dwelling residential scheme. A pre-application meeting took place in early 2020 with Case Officer Bill Topping, however the written advice was provided by Nicholas Hirst following Bill Topping's retirement.

3.6 The written response was broadly supported the residential development of the application site, provided that the exclusion of 0.15ha of the allocation and lack of employment land was justified. As mentioned, the 0.15ha of the allocation not included in the site application boundary is currently an active employment site which is under a separate ownership to the application site. Similarly, the employment use remaining in active use justifies the proposal for the application site to be wholly residential. This is a position which was accepted by Kirklees Council during the early 2020 pre-application meeting.

3.7 Detailed feedback was provided over the following key points:-



- Housing Density;
- Housing Mix;
- Residential and Visual Amenity;
- Highways; and
- Flood Risk / Drainage.

- 3.8 The layout was revised in response to the pre-application response, and subsequently presented to the Case Officer and Local Ward Councillors via Teams on 18 December 2020.
- 3.9 The Site Layout was further amended to reflect a changing density which provided greater character, the scheme moves from higher densities in the north to lower densities in the south of the application site. Furthermore, a greater mixture of side and front parking has been incorporated with landscaped front gardens.
- 3.10 Not all comments raised in the pre-application meeting/response could be addressed through revisions to for the Site Layout. It was requested that a central area of POS be provided on the application site, however this would be contrary to advice from the Lead Local Flood Authority (LLFA) to avoid building houses in Flood Zones 2 & 3. Amendments were still able to be made, moving the POS more central to the scheme, however the proposed POS is still in the majority located to the south of the application site, with landscaped public footpaths running centrally through the application site.
- 3.11 Furthermore, there was a request for all primary facing materials to be locally sourced natural stone, however this is not a financially viable option for the applicant. The application site is a long-standing brownfield allocation which comes with a significant remediation cost, as such if natural stone was used for all primary facing materials then the development would be rendered unviable.
- 3.12 Strata Homes have experience developing in the local area, with the 'Aura' development at New Lane, Cleckheaton located approximately 750m west of the application site. This site is now built out in full and constructed in artificial stone, an approach which ensures the development sits well within the local vehicular whilst also remaining viable.



4.0 PROPOSED DEVELOPMENT

- 4.1 The Applicant seeks Full Planning Permission for the demolition of existing commercial buildings and the erection of 194 No. residential dwellings.
- 4.2 The application site is accessed from Westgate to the north, utilising the existing access road at Stone Street, details of which accompany this application. Pedestrian links have been incorporated towards Iron Street and Quarry Road respectively. The main access road descends in a north to south direction into the application site and before it diverts to the eastern and western boundaries. The internal road layout is broken up by a varied street scene, addressing comments made by Councillors during the pre-application process. A number of properties around the periphery of the application site are served from private drives accessed from the primary road network.
- 4.3 The proposals make provision for a variety of house types in mix of size, type and tenure. The net developable area is 4.77 hectares which provides a residential density of 40.74 dwellings per hectare. The accommodation schedule is clearly shown on Drawing Number: 18-CL2-SEGB-WE-01 and summarised below: -

Market Housing Total = 98 dwelling

- 10 no. x 2 bedroom
- 66 no. x 3 bedroom
- 1 no. x 4 bedroom
- 21 no. x 5 bedroom

Affordable Housing = 38 dwellings

- 22 no. x 2 bedroom
- 14 no. x 3 bedroom
- 2 no. x 4 bedroom
- It should be noted that 3 no. of the affordable dwellings will be bungalows.



Private Rent = 58 dwellings

- 34 no. x 2 bedroom
- 18 no. x 3 bedroom
- 6 no. x 4 bedroom

4.4 The scale of the proposed dwellings are in keeping with the local character and scale and are therefore a mixture of 1 to 3 storeys in height. Following a request from Local Councillors (during the pre-application meeting) 3 no. bungalows are proposed.

4.5 The height of the proposed dwellings was a key point of discussion throughout the pre-application process Initially it was the LPAs position that: -

“Dwellings should be a maximum of two storeys in height. Larger, taller units would not respect the surrounding character and scale of other properties in the area. A limited number of dwellings hosting dormers, to enable habitable roof spaces, may be acceptable but should be spread through the site.”

4.6 Following further discussion, Importantly and subsequently Ward Members indicated that they would be willing to support the provision of 2.5 and 3 storey dwellings within the application site. The proposals have been carefully designed to ensure the existing and future amenity (both residential and visual) of existing residents is protected in perpetuity.

4.7 The proposals complement the existing residential architectural palette of the local setting, picking up on key features which are successful and being selective to ensure poor examples are not replicated. Varying density across the application site will ensure a soft transition between urban area and green space.

4.8 Reflecting the character of the local area, the use of Forticrete stone, buff brick and red brick is proposed. Red and grey roof tiles are proposed alongside grey windows and doors. Local roofscapes have also been considered, informing the provision of a traditional pitch roof form which is typical within the surrounding area.

4.9 This scheme includes a provision of onsite POS equating to 1.69 hectares. This represents 35% of the application site. The POS is located to the south and south east of the application site and close to the Blacup Beck. The location of the POS will provide access to a high quality, well maintained and accessible open space, encourage both existing and future residents to



physically active and will also assist in promoting a healthy lifestyle. The design of open space will also encourage overlooking from plots which creates a safer environment for future residents.

- 4.10 The proposals make provision for landscaping across the application site including a mix of evergreen and deciduous shrubs. These will be planted in selected front gardens to enhance the street scene and provide ecological enhancements. The landscaping also forms a crucial part of the boundary treatment proposals making use of hedgerows to strengthen boundaries and improve screening.

Sustainability Statement

- 4.11 Sustainability is an inherent part of this development including the use of high-quality design materials, sustainable measures and construction methods.
- 4.12 The principle of development in this location has already been considered sustainable by virtue of its location on the edge of settlement and its proximity to existing services, facilities and public transport connections. These were matters which were considered during the site allocation process.
- 4.13 The proposed development incorporates a number of sustainable principals and measures:
- Sustainable and best practice construction techniques will be utilised, including measures such as the local sourcing of materials from manufacturers with certified environmental management systems
 - Design of dwellings to ensure habitable rooms allow sufficient natural light into the room and all dwellings will have access to private garden and garden areas will be fully accessible for disabled occupants, where possible.
 - High levels of insulation across all thermal elements within the build and used of thermal block made from sustainable material with a high recycled content and excellent insulation and acoustic absorption properties.
 - Implementation of robust procedures to minimise construction waste including measures to share soil and aggregate waste and reduce dust, fumes, discharge and any other form of pollution on site in line with best practice.
 - Use of eco-sanitary ware to ensure water efficiency across the scheme.



- Provision of onsite POS and pedestrian and cycle provision and links to ensure delivery of easily accessible and high-quality amenity areas and greenspace and promote health communities and active travel.
- A Travel Plan to be adopted to promote sustainable modes of travel.

4.14 Cumulatively these measures support the intent of the recently declared 'Climate Emergency' (2019) and the Councils 2038 Carbon Neutral Vision. Further measures are set out in the Sustainability Statement set out in the Design and Access Statement (DAS). All measures will assist in reducing Climate Change.



5.0 PLANNING POLICY

5.1 The whole purpose and intention of the planning system is to enable the development of appropriate sites which are sustainable as defined by the National Planning Policy Framework (the Framework) and in particular as set out at Paragraph 8.

5.2 The duty in Section 38(6) of The Planning and Compulsory Purchase Act 2004 enshrines in statute the primacy of the Development Plan.

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

“If regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts the determination must be in accordance with the plan unless material considerations indicate otherwise.”

5.4 Paragraph 2 of the Framework recognises the provisions of Section 38(6) stating: -

“planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account when preparing the development plan, and is material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements”.

5.5 The correct approach to determining whether a proposal is in compliance with a development plan is uncontroversial: -

- All the relevant policies should be identified;
- An assessment should be made as to whether the proposal complies or not with each of those policies and the weight to be given to these;
- The development plan must be read as a whole;
- It must be recognised that separate policies within the same development plan can pull in different directions; and
- A development can conflict with one individual policy and still comply with the development plan as a whole.



5.6 Section 39 of the Act requires decision makers to exercise their functions with the objective of contributing to the achievement of sustainable development.

5.7 The reason for a decision must be intelligible and they must be adequate. They must enable the reader to understand why the matter was decided as it was and what conclusions were reached on the principle important controversial issues, disclosing how any issue of law or fact was resolved¹.

5.8 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out a general duty for local planning authorities, in the exercise of planning functions in relation to listed buildings. It states that: -

“In considering whether to grant planning permission which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

5.9 The development plan for this residential development comprises the following local document:-

- Kirklees Local Plan (Adopted 27 February 2019)

5.10 The application site forms part of a mixed-use allocation in the Kirklees Local Plan (allocation reference MXS9). The employment quota of the mixed-use allocation is fulfilled by the remaining employment units currently in active use outside of the application site, therefore this application relates solely to the residential aspect of the allocation.

5.11 National Policy Guidance is provided by the Framework. It is recognised that the Local Plan was adopted having regard for the provisions of the Framework. The Framework is a significant material consideration.

Local Policy

Kirklees Local Plan

5.12 The following policies (as set out in the formal pre-application response) are considered relevant:

- **LP1** – Achieving Sustainable Development

¹ [2017] EWHC 664 (Admin)



- **LP2** – Place Shaping
- **LP3** – Location of New Development
- **LP4** – Providing Infrastructure
- **LP7** – Making Effective Use of Land
- **LP11** – Affordable Housing and Housing Mix
- **LP20** – Sustainable Travel
- **LP21** – Highway Safety and Access
- **LP22** – Parking
- **LP24** – Design
- **LP27** – Flood Risk
- **LP28** - Drainage
- **LP35** – Historic Environment
- **LP38** – Minerals safeguarding
- **LP47** – Healthy, Active and Safe Lifestyles
- **LP51**– Protection and Improvement of Local Air Quality
- **LP52**– Protection and Improvement of Environmental Quality
- **LP53** – Contaminated and unstable Land
- **LP63** – New Open Space
- **LL67** – Mixed Used Allocations

Other Material Considerations

Supplementary Planning Guidance

- Highways Design Guide Supplementary Planning Document
- Kirklees Local Plan allocations and designations



- West Yorkshire Low Emissions Strategy and Air Quality and Emissions Technical Planning Guidance
- Kirklees Strategic Housing Market Assessment (2016)

Climate Emergency

5.13 Kirklees Council declared a climate emergency in 2019 on the basis that urgent action is required to improve and protect the environment.

2038 Carbon Neutral Vision

5.14 Kirklees Council are aiming to be completely carbon neutral by 2038.

5.15 In this context carbon emissions from human activities in Kirklees will need to be dramatically reduced to zero with any remaining emissions safely removed from the atmosphere. This has also been referred to as achieving 'net zero' carbon emissions by 2038. In order to meet the Carbon Neutral Vision the Council will: -

- Set a Carbon Budget
- Increase the Amount of Electric Charging Points
- Allow Low Emission Cars to Park for Free
- Add more Electric Vehicles to the Council's Fleet
- Environmental Impacts Considered in All Decisions
- Plant More Trees
- Create a Climate Commission and Green Charter
- Host a Youth Summit
- Increase Recycling Rates
- Develop a Programme and Action Plan



5.16 The Applicants are dedicated to taking pro-active measures to reduce the consumption of energy and natural resources and thus helping mitigate climate change. In order to do this, various measures are implemented in the fabric specification of buildings and construction methods. Electric Vehicle Charging points are also to be provided for every proposed dwelling, further looking to mitigate the impacts of climate change.

5.17 Further measures are set out in the Sustainability Statement set out in the DAS. All measures will assist in reducing Climate Change. These measures are also supported by a willingness to introducing meaningful tree planting and opportunities for biodiversity net gain across the application site.

Neighbourhood Plan

5.18 The application site is within Cleckheaton. There is no made Neighbourhood Development Plan (NDP) within Cleckheaton at present. Furthermore, there is no emerging NDP to be considered as a material consideration in assessment of this application.

National Policy

National Planning Policy Framework (July 2021)

5.19 The Framework now forms the relevant policy guidance at the national level for the determination of all planning applications. The Framework is a material consideration which must be taken into account in all planning decisions.

5.20 Para 2 of the advice states:-

“Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions.”

5.21 There are three objectives (Para 8) of sustainable development comprising the economic, social and environmental roles.

5.22 Para. 10 sets out that the heart of the framework is a presumption in favour of sustainable development.



5.23 So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development. Para. 11 of the Framework identifies how this presumption is to be applied in making decisions on individual applications stating:-

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

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:

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

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.”

5.24 Beyond Chapter 4 of the Framework there are 13 topic areas (as well as Annex 1 and 2) which form the Framework document; those topic areas considered of relevance (as set out in the formal pre-application response) to this planning application are set out below.

- **Chapter 4:** Decision Making;
- **Chapter 5:** Delivering a Sufficient Supply of Homes;
- **Chapter 6:** Building a Strong, Competitive Economy;
- **Chapter 7:** Ensuring the Vitality of Town Centres;
- **Chapter 8:** Promoting healthy and safe communities;
- **Chapter 9:** Promoting Sustainable Transport;
- **Chapter 11:** Making Effective Use of Land;
- **Chapter 12:** Achieving Well Designed Places;
- **Chapter 14:** Meeting the challenge of climate change, flooding and coastal change;
- **Chapter 15:** Conserving and enhancing the natural environment; and,
- **Chapter 16:** Conserving and enhancing the historic environment.

Planning Practice Guidance (PPG) (2014)

5.25 The Planning Practice Guidance (PPG) provide more detailed guidance to support the provision of the Framework and the policies included.



6.0 THE PLANNING CASE

6.1 This section of the report identifies the main planning considerations and provides an assessment of the planning merits of the case in support of the proposed development.

The Principle of Development

6.2 The LP Spatial Development Strategy sets out a minimum housing requirement of 31,140 homes between 2013 and 2031 to meet identified needs. This equates to 1,730 homes per annum. Within the settlement of Cleckheaton the authority has identified a housing need of 1,295 dwellings which will be delivered through the identification of housing and mixed-use allocations.

6.3 The application site is a long-standing brownfield site which is allocated for mixed-use development in the Local Plan (site reference MXS9). This site is therefore identified as contributing to the authority's housing need within the 2013-2031 plan period.

6.4 In determining the most appropriate location for meeting that need the Local Plan is clear that proposals will be required to meet the presumption in favour of sustainable development (policy LP2) and place shaping principles (Policy LP2).

6.5 Policy LP2 identifies Cleckheaton within the Batley and Spen area. Cleckheaton is identified as a strong housing market area with good local employment opportunities. As a town centre the settlement offers access to a range of services, facilities and employment opportunities both within the locality and to the wider District and neighbouring Districts.

6.6 As required by Policy LP3, Location of New Development, the scheme is will located to ensure that it contributes to the identified need for housing and employment as set out in the Spatial Strategy. As a brownfield redevelopment site, the scheme ensures such sites are brought forward early within the plan period and will contribute to the overall housing delivery and supply within the District. The location of the development allows for opportunities of place shaping in which it can respond to its strengths and opportunities for growth.

6.7 Under Policy LP67 'Mixed Use Allocation', the application site is identified as Land adjacent Westgate, Cleckheaton (site reference MXS9). The MXS9 allocation details an indicative residential capacity of 223 dwellings and the retention of existing floorspace which is already occupied; this is anticipated to be delivered across the gross site area of 6.93 ha. It is acknowledged that the application proposals relate to the delivery of the residential element of the allocation only. The application area is smaller than the allocation as a whole and some



existing, and operational, employment uses included within the allocation boundary remain outside of the application boundary and unaffected by these proposals. Through the allocation of the application site within the Local Plan the principle of residential development is firmly established on the application site.

- 6.8 The application site is therefore considered to meet the overall Spatial Strategy and contribute to the housing need identified within both the District and the settlement. By virtue of its allocation within the Local Plan the Council have already deemed the location of development to be sustainable, recognising its location within a sustainable settlement with access to a range of services and facilities and opportunities for employment. The application proposals therefore comply with Local Plan Policies LP2 and LP3. Although this application only brings forward the residential proposals it is firmly acknowledge this this is a mixed-use allocation. It is respectfully stated that the existing employment uses remain outside of the redline boundary of the application and are to be retained as anticipated under policy LP67. The principle of development therefore complies with Local Plan policy LP67.

The Presumption in Favour of Sustainable Development

- 6.9 At the heart of the Framework is the presumption in favour of sustainable development, which should be at the heart of the plan-making and decision taking². This is the overarching consideration laid out in Government policy. However, the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 6.10 The Framework confirms the presumption in favour of sustainable development applies (as does Local Policy LP1) when determining development proposals, including housing applications.
- 6.11 There are three dimensions to sustainable development: **economic**, **social** and **environmental**³. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 6.12 The consideration of whether a development proposal represents sustainable development is a question unaffected by whether it accords with policies in an up-to-date Development Plan.

² Framework - §10

³ Framework - §8



The determination of whether a proposal represents sustainable development is a planning judgment based upon the criteria set in the Framework.

- 6.13 In making the planning balance the Framework does not indicate that any one element should represent a trump card⁴. However equally that does not mean that a proposal has to pass all three of the sustainability tests to be acceptable and that any of the three roles can act as a trump card against the development. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.
- 6.14 It is rare for any development to have no adverse impacts and on balance many fail one of the roles. For the Framework's sustainability test to have meaning then, all of the competing considerations have to be assessed together and an overall balanced conclusion reached.
- 6.15 Whilst the starting point for decision making is the development plan, the presumption in favour of sustainable development always applies and feeds in to the planning balance. Consequently, it is necessary to consider the proposals against the three dimensions of sustainable development.

Economic Role

- 6.16 The economic role of sustainable construction contributes to building a strong, responsive and competitive economy by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation and also by identifying and coordinating development requirements including the provisions of infrastructure. Government policy is to encourage the effective use of land by reusing land that has been previously developed.

Departure from MXS9 and Policy LP67

- 6.17 Within the supporting text for MXS9 there is also an expectation that the existing commercial buildings will be retained. From the outset there has been a requirement to demolish commercial buildings located within the application site and accessed from Iron Street and Brick Street. The Local Planning Authority (LPA) (through the formal pre-application process) were made aware of this requirement and duly made the following comments: -

"The proposals would demolish several commercial buildings, with no replacement. No justification for this loss and the desired amount of residential has been given within the pre-application letter contrary to the allocation's expectations. This will need to be

⁴ Appeal Ref: APP/N1350/A/14/2217552 – Land off Sadberge Road, Middleton St George, Darlington - §70



addressed within the subsequent application. Furthermore, your proposal currently excludes circa 0.15ha of the allocation (northwest, hosting a commercial unit). Clarification on this exclusion and consideration of the exclusion's impact upon the deliverability of the allocation as a whole will also be required".

6.18 Importantly the LPA goes on to state: -

*"To be clear, **the extent of residential development is not necessarily opposed.** However, without clarification on these matters, officers are unable to confirm whether the amount of residential development on the site is acceptable"*

6.19 In the interests of clarity Policy LP67 'Mixed Use Allocations' states: -

"The sites listed below are allocated for mixed use development in the Local Plan. Planning permission will be expected to be granted if proposals accord with the development principles set out in the relevant site boxes, relevant development plan policies and as shown on the Policies Map".

6.20 In terms of making the case for the demolition of commercial buildings; our starting point is logically the informatives set out in the site appraisal for MXS9.

6.21 194 no. residential dwellings are currently proposed; 29 no. residential dwellings **less** than the quantum of development identified in the MXS9 allocation. The shortfall against the indicative capacity set out in MXS9 is a consequence of the residual impacts associated with historic uses and also some of the environmental constraints that exist within the red line boundary. The Applicant is achieving 40.74 dwellings per hectare and therefore despite the aforementioned constraints is still looking to maximise the development area of MXS9 and thus accord with the provisions of Policy LP67.

6.22 In this context, any requirement to retain the commercial buildings located on Iron Street and Brick Street will only serve to reduce overall quantum of development further. Crudely any requirement to retain the commercial buildings could reduce the quantum of development by circa. 30 dwellings (taking the quantum of development to circa. 164 no. residential dwellings), however it is important to note that this quantum of development could be reduced further once the necessary mitigation measures (landscaping and buffers etc.) needed to address noise and air quality have been incorporated in to the masterplan.

6.23 If for example, the mitigation measures reduced the overall quantum of development to circa 150 no. dwellings then **1)** you would have a residential scheme designed around commercial buildings (one of which is redundant) and **2)** the viability of the scheme will be questioned



potentially resulting in the MXS9 not being delivered. The application site already has a **recent history tainted by the non-delivery of residential units; therefore it is important that this scheme remains viable and ultimately deliverable.**

- 6.24 Notwithstanding the need to demolish commercial buildings located within the application boundary, an existing commercial building (Foxton Dies Ltd) fronting Westgate will remain. Whilst not within the application boundary this commercial building is located with the MXS9 boundary and will therefore ensure that some commercial operations will remain fronting Westgate. In the interests of clarity this parcel of land is not controlled by the Applicant.
- 6.25 Whilst the applicants overall approach represents a slight departure from relevant local plan policy, the approach is justified and key to the future delivery of this brownfield site. Departures such as this are supported by the Framework (Para.12) which states *“Local planning authorities may take decisions that depart from and up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”*. Ridgely applying the provisions of Policy LP67 in this instance (as mentioned above) may result in the continued non-delivery of MXS9 due to the marginal viability of the application site.
- 6.26 At a national level the Framework encourages LPAs to promote the effective use of land in meeting the need for homes (Para. 119), further and most importantly the Framework (Para. 122 b)) allows LPAs to support alternative uses of land where the alternative use would contribute to the meeting an unmet need for development in the area. In the interests of clarity there is a recognition from the Applicant that Para. 122 in its entirety is most relevant when a plan review is imminent, however the intention of this paragraph cannot be disputed.
- 6.27 In the context of this slight departure from relevant local plan policies it is also useful to identify the economic contribution of construction in terms of both direct impacts (through developers themselves and their contractors) and well as indirect and induced impacts (from other sectors and firms that rely on development and its supply chains and spending). The benefits are broadly categorised (all are relevant) as: -
- Capital Investment and Expenditure Benefits;
 - Construction Benefits;
 - Direct Employment Benefits;
 - Indirect and Induced Employment Benefits;
 - Customer Expenditure Benefits;



- Public Finances;
- Local Authority Revenue Benefits;
- Local Community Benefits; and,
- Other “Softer” Benefits

6.28 When the quantitative and qualitative benefits are considered in tandem the wider economic benefits are as follows: -

Development as a Driver of Economic Growth

6.29 Improving the long-term competitiveness of the UK economy, including through its significant network of supply chains and contracting relationships.

Delivering “Real” Jobs and Economic Value

6.30 Construction is a major source of national employment, with construction supporting more jobs compared with investment in many other sectors of the economy. The construction industry provides a crucial labour market entry point for young, lower skilled workers and those moving out of unemployment.

Sector Skills and Employability

6.31 The construction industry offers a range of opportunities across different trades and skill sets from bricklaying and carpentry through to plumbing and maintenance. Apprenticeship opportunities are particularly prevalent, and have been increasing over the last few years.

Enhancing Place Competitiveness and Local Economic Development

6.32 The proposals will create competitiveness within the construction industry and it will be the intention to use local suppliers. This is considered important for an area to remain competitive and attractive to business and economic activity, which in turn will drive the economic growth the country needs.

Social Role

6.33 The social role of sustainable development supports strong, vibrant and healthy communities by providing the residential accommodation required to meet the needs of present and future generations. It will also provide a high-quality built environment, with accessible local services that reflect the community’s needs and support health, social and cultural well-being.



Housing Delivery

- 6.34 The development proposals result in an overall housing delivery of 194 no. dwelling as market, affordable and private rent accommodation. This not only meets the identified housing need within the settlements and District but helps to ensure a choice and competition within the housing market.
- 6.35 Local Plan Policy LP11 seeks to ensure that proposals deliver a housing mix that is suitable for different household types which reflect the changes in the household composition across Kirklees. The proposed housing mix is set out within Section 4 above. It demonstrates the delivery of homes ranging from 2 to 5 bed dwellings (with a strong emphasis on the delivery of smaller 2 and 3 bed family homes), across a range of tenures including market sale, private rent and affordable dwellings. The proposals include the provision of 3 no. bungalows.
- 6.36 The Council's Strategic Housing Market Assessment, last published in 2016 does not prescribe a target or preferable housing mix for the authority. It instead concludes that there is a need for all dwellings within the authority. The analysis set out particularly identifies a requirement for 1–2-bedroom houses and 3 and 4+ bedroom houses. The proposed housing mix and range of types and tenures therefore meets the identified needs within the authority and will help to create an inclusive community.
- 6.37 The proposals therefore meet the housing mix requirements of Policy **LP11**.

Affordable Housing

- 6.38 Planning policy at both the national and local levels seeks affordable housing provision on-site as part of major residential development proposals with the objective of creating mixed communities in mind. However, this requirement is subject to the proviso that the overall financial viability (and therefore the deliverability) of the development is not compromised to such an extent that there is no incentive for a housebuilder to deliver it. Policy LP 11 of the Local Plan sets out an expectation that on schemes of 10 dwellings or more 20% should be delivered as affordable dwellings. Where appropriate viability evidence is provided the affordable housing delivery may be less than 20%.
- 6.39 The detailed proposals for the application site have been assessed in this context and it has been shown through the preparation of an independent financial viability appraisal that they cannot support the provision of affordable homes. Notwithstanding this, the Applicants are committed to delivering genuine and accessible transformational change at the application site. The Applicants are therefore showing the provision of 20% affordable homes (38 no. out of 194



new homes), which will be funded by accessing Homes England grant funding, as part of the full planning application. Moving forward there is requirement for the delivery of affordable housing to be secured by an appropriately worded planning condition (it cannot be secured by way of a s106). In combination with the proposed homes for market sale and private rent, these affordable homes will secure the creation of a mixed and balanced community at the application site.

- 6.40 The proportion of dwellings which are affordable is 20%. In this context the mix and proportion of affordable housing is compliant with the provisions of Local Plan Policy **LP11** and the delivery of affordable dwellings should be seen as a significant benefit within the planning balance.

Design

- 6.41 Policy LP24 of the Local Plan seeks to ensure that good design principles are at the core of proposals. Design has been an important factor in the evolution of the development proposals as is evidenced through the extensive pre-application advice. A DAS accompanies the application submission and documents the evolution of design.
- 6.42 It is proposed to demolish and remove existing building on the site and clear the brownfield site. Officers supported this approach during the pre-application stage and noted that from a design perspective this was welcomed. The visual improvements arising from the redevelopment of this brownfield site are considered a benefit.
- 6.43 The proposals provide a mix (size and tenure) of housing suitable for different household types which reflect continuing changes in household composition within Kirklees. The scale of the proposed dwellings are in keeping with the local character and scale and are a mixture of 1 to 3 storeys in height. The supporting DAS clearly shows the scale of housing in the local area, which ranges from 2 – 3 storeys. In particular 3 story properties can be found in the local area on South Parade to the north of the application site.
- 6.44 In considering the scale of proposed properties regard has also been had to the topography of the site to ensure that the layout does not give rise to an overlooking, over bearing or loss of privacy between either the proposed dwellings or the proposed development and the neighbouring land uses. It is considered that the application site will sit comfortably within the local surroundings given the existing dwelling stock and character of the local area.
- 6.45 Likewise, the choice of material palette has been carefully considered to ensure the scheme sits comfortably within the local setting. The proposals complement the existing residential architectural palette of the local setting, picking up on key features which are successful and



being selective to ensure poor examples are not replicated. Varying density across the application site will ensure a soft transition between urban area and green space.

- 6.46 Reflecting the character of the local area, the use of Forticrete stone, buff brick and red brick is proposed. Red and grey roof tiles are proposed alongside grey windows and doors. Local roofscapes have also been considered, informing the provision of a traditional pitch roof form which is typical within the surrounding area. This is clearly set out within the Local Character section of the DAS.
- 6.47 It is confirmed that the proposed house types all meet the Nationally Described Space Standards (NDSS). Whilst the requirement to meet NDSS is not replicated in the Local Plan the compliance with the Government's Technical Standard represents good design principles and ensures suitable levels of residential amenity for future occupiers.
- 6.48 The layout has been designed to achieve the key principles of Secured by Design Homes 2016. Concerns were raised at pre-app over a lack of overlooking of the footpath to the east of the application site on to Quarry Road. This has been addressed through the revised layout which forms the basis of this submission, ensuring that the development aligns with Crime Prevention through Environmental Design (CPTED) principles of Designing Out Crime. Natural surveillance is used throughout the application site through the orientation of dwellings to overlook parking areas, open spaces and public footpaths.
- 6.49 Overall, the proposals are consistent with the form, scale and appearance of the surrounding residential area and provide enhancement and improved to the townscape and street scene through the redevelopment of a brownfield site. The relevant requirements of Policy LP24 'Design', are therefore met.

Healthy Communities

- 6.50 The application includes the delivery of 1.69 ha of onsite POS, extending to circa 35% of the application area. The location of the POS will provide access to a high quality, well maintained and accessible open space, encourage both existing and future residents to physically active and will also assist in promoting a healthy lifestyle. The design of open space will also encourage overlooking from plots which creates a safer environment for future residents.
- 6.51 The overall Planning Layout and Landscaping Masterplan demonstrate an attractive place to live where green infrastructure is woven through the build form to soften the street scene and promote active and healthy lifestyles.



- 6.52 Within the POS area the proposals included the provision of a LEAP play area for the enjoyment and use of the development and the surrounding community.
- 6.53 The provision of high-quality onsite POS meets the requirements of Policy LP24 in relation to access to open space and the enhancement of the natural environment and Policy LP63 'New Open Space'.
- 6.54 A Health Impact Assessment supports the application proposals. The document considers the proposals impact on health care provision within the surrounding area including on the key services such as doctors surgeries, dental surgeries, pharmacies and opticians. Overall, it was demonstrated that there remains capacity within the local health care provision to appropriately support the residents of the proposed development. The proposals would therefore not give rise to any adverse harms in relation to access to health care provision.
- 6.55 The application proposals will result in a range of social benefits contributing towards the creation of a socially balanced, inclusive and sustainable community in this locality.
- 6.56 Open and amenity space provided through the development provides tangible opportunities for residents to undertake recreational activities, contributing to improved physical health, mental health and wellbeing. A high-quality environment also provides opportunities for social interaction between people of different communities, fostering social inclusion and community development.
- 6.57 The proposals will promote health and well-being and also provide a high standard of visual and residential amenity for future and most importantly the existing residents which is supported by Paragraph 130 of the Framework.
- 6.58 It is considered that there are social benefits that will be delivered, in accordance with the social dimension of sustainable development, and the relevant local and national policies.

Environmental Role

- 6.59 The environmental dimension is concerned with protecting and enhancing our natural, built and historic environment.

Highways and Accessibility Considerations

- 6.60 A Transport Assessment (TA) accompanies the planning application produced by Andrew Moseley Associates (AMA).



- 6.61 The residential development of the application site is considered to be sustainable, given its close proximity to **1)** an accessible, already-developed area, **2)** its proximity to public transport and other facilities, and **3)** the measures related to transport that can be provided by the Applicant.
- 6.62 The TA confirms that the application site is located in an accessible location, close to the centre of Cleckheaton which provides a good range of shops and services. There are several schools within the vicinity and the application site is easily accessible by public transport, with good bus routes running along Westgate at the north of the application site. These bus routes provide access to Dewsbury, Brighouse, Huddersfield and Leeds. The close proximity of these sustainable transport solutions will assist in reducing any perceived reliance on private motor vehicles. Considering the above, it is considered that the application site is within a sustainable location and would comply with Paragraph 110 of the Framework which states that “*appropriate opportunities to promote sustainable transport modes can be - or have been – taken up, given the type of development and its location*”. It is also our position that the close proximity of the application site to these sustainable transport options also contributes to the ‘Social Role’ by providing additional social benefits i.e. residents will be able to easily access existing services and facilities.
- 6.63 An Interim Travel Plan (TP) has also been provided which seeks to encourage sustainable and active modes of transport upon occupation of the development. The TP incorporates physical measures such as designing the scheme to maximise walking and cycling including the provision of footways and design of the internal road network to reduce speeds. In addition, measures also include encouragement for the use of sustainable travel including examination of travel patterns, promoting cycling and use of public transport and facilitating car share schemes. The application has demonstrated compliance with Policy LP20 ‘Sustainable Travel’, by virtue of its sustainable location with access to town centre services and facilities and the scheme’s approach to encourage and promote sustainable travel choices.
- 6.64 The scheme has been assessed in terms of highway safety. Access will be provided via a new priority T-junction. The TA confirms that the access has been designed in accordance with Manual for Streets (MfS) in terms of appropriate carriage width and visibility splays. The proposals can therefore demonstrate a safe and appropriate access point.
- 6.65 The proposals included parking provision in line with the Kirklees Council parking requirements equating. Where the parking is proposed as a garage the dimensions are compliant with Council requirements. All properties are provided with cycle parking. Plots without a garage are to be



provided with a shed in the rear garden for cycle storage. The parking provision meets the requirements of Policy LP22.

- 6.66 As required by Policy LP21 the application is supported by the necessary TA and TP which demonstrate that the proposals would be sustainably located, encourage and promote active travel, provide appropriate levels of parking and cycle storage and can deliver a safe and appropriate access point.

Flood Risk and Drainage Consideration

- 6.67 The application is supported by both a Flood Risk Assessment (FRA) and a Drainage Appraisal (DA) both provided by Eastwood and Partners.
- 6.68 It is acknowledged that the majority of the application site is located within the Environment Agency Flood Zone 1 and therefore at the lowest risk of flooding. The southern extent of the application site is located within Flood Zone 2 and 3, at medium and high risk of flooding from Blacup Beck. As an allocated site within the Kirklees Local Plan, the application site has been subjected to extensive assessment and sustainability appraisal through that process. In accordance with current Planning Practice Guidance, proposals within higher levels of flood risk should be subject to sequential testing. The Authority has confirmed, within the pre-application process, that the sequential testing requirement has been passed as a result of the site's allocated status.
- 6.69 No built is proposed with areas identified at higher flood risk. Land within the south of the application is instead provided as POS. This approach accords with the provisions of Local Plan Policy LP27 which seeks to direct new development to the lowest risk of flooding and requires proposals to be supported by appropriate site-specific Flood Risk Assessments.
- 6.70 A drainage strategy has been devised for the scheme which includes the opening of culverted section of Blacup Beck. The opening of the culvert will mitigate against the current flood risk caused by the surcharging of the asset. This should be seen as a benefit of the scheme.
- 6.71 The application site is brownfield and at present consists of 2.56ha of hardstanding impermeable area. The surface water drainage strategy proposed a 30% betterment on the current brownfield run off rate limiting the application site to runoff to 32.2l/s. This betterment should be seen as a benefit in the planning balance. Surface water is proposed to run off into Blacup Beck with attenuation storage for rainfall provided for the 1 in 100 year event.
- 6.72 Foul effluent is proposed to discharge to the existing public sewer along the southern boundary of the application site.



- 6.73 The drainage proposals meet the requirements of Policy LP28. It is anticipated that the details of the drainage infrastructure will be secured by condition.

Ecology and Biodiversity Considerations

- 6.74 A Preliminary Ecological Appraisal Report (PEA) supports the application, provided by Brooks Ecological.
- 6.75 The PEA identifies the application site to contain a number of habitats included developed land of hardstanding sealed surface, vacant derelict land with tall ruderal/ ephemeral, neutral grassland with scattered bracken and scrub, mixed scrub, waterbody and some onsite trees. Generally, the application site is considered to consist of habitats in poor ecological condition and of low to medium distinctiveness and low ecological connectivity.
- 6.76 A number of Invasive Non-Native Species (INNS) were recorded on application site including Giant Hogweed, Himalayan Balsam and Japanese Rose. It is recommended that these INNS are formally surveyed and a management plan followed to manage dealing with these species. An Invasive Species Management Plan has been instructed by the applicant in order to manage the number of INNS located on the site.
- 6.77 During the course of the PEA a bat roost suitability assessment was undertaken. To ensure a robust approach a Bat Survey was undertaken which demonstrated a likely absence of roosting bats from all on-site buildings. The proposed works therefore present little risk of impacting bats at their roost.
- 6.78 In assessing the application site's suitability to support other flora the PEA found that the onsite watercourse Blacup Beck was suboptimal for water vole however may support White clawed cray fish. No evidence was found in relation to the presence of otters, badgers, hedgehogs or reptiles. A range of birds were however recorded across the application site including yellow wagtail, blue tit, dunnock, wren, bullfinch, swallow, goldfinch, blackbird, robin, magpie and wood pigeon. Whilst the redevelopment of the application site will displace some of the habitat currently used by these birds the proposals offer opportunities for replacement habitat with the POS and landscaping of the scheme. It is also recognised that the proposals will support good numbers of common garden and farmland birds during the nesting season.
- 6.79 A number of enhancement opportunities are identified within the PEA and the principles of these are incorporated within the Planning Layout. These opportunities include provision of native tree and hedge planting within the scheme, inclusion of wildflower grassland, incorporating



roosting, nesting and hibernation features throughout, retaining boundary trees where possible and enhance through planting of other native species and the enhancement of the watercourse.

- 6.80 Building on the recommendations of the PEA a detailed Landscaping Masterplan supports the application which includes the use of wildflower meadows (including for wet soils), native tree and shrub planting throughout.
- 6.81 An Arboricultural Impact Assessment (AIA) and Method Statement (AMS) also accompany the application. The report acknowledges that site clearance to facilitate the development proposals will result in the removal of 68 trees and 34 tree groups. All trees are found to be Category C trees which are of low quality and have grown in dense shrubby groups within the last 20 years. There is one exception where the tree has been assessed as an even lower Category U tree. The existing trees have low individual value however the removal of trees across the application site would result in negative impact until any new planting proposals were established across the application site.
- 6.82 It is acknowledged that 16 no. trees are covered by a Tree Protection Order (TPO), however these have been found to be in poor condition with no evidence of recent management. Due to the poor condition the removal of these trees should not be prevented as part of the planning application.
- 6.83 To mitigate the loss of coverage, on site replacement tree planting is proposed (refer to the Landscape Masterplan). Whilst the proposals do not provide an overall net gain in tree covering the provision of select, heavy and extra heavy standard trees in a range of species which will provide and maximise on food and nectar sources for birds and invertebrates will improve on the overall quality of provision across the application site.
- 6.84 Where trees are to be retained across the application site the AIA and AMS set out a number of measures to ensure that the trees are appropriately protected as a result of the development and the construction period. Such measures include protecting root and canopy areas from any built development and the use of tree protection fencing during the construction phase.
- 6.85 The application is therefore considered to support the Local Plan policies relating to biodiversity including LP24, LP26, LP27 and LP30.

Air Quality Considerations

- 6.86 An Air Quality Assessment (AQA) supports the application, provided by Ensafe Consultants. The Local Plan seeks to ensure that proposals protect and improve local air quality. It is required that schemes demonstrate that they are not likely to, directly or indirectly, increase air pollution



or give rise to an unacceptable impact on the natural and built environment. In the context of the Climate Change Emergency this is more prevalent.

- 6.87 The AQA confirms that the application site is not located within an Air Quality Management Area (AQMA), the closest being located 2.5km south-east of the application site. It is considered that there is therefore a low potential for the Proposed Development to introduce future site users to an area of reduced air quality and to cause air quality impacts within this sensitive AQMA during construction or operational phases.
- 6.88 During the construction phase it is recognised that there is potential for some air quality impacts as a result of the dust emissions from the application site. This is typical of any development site and not unique to this application. Such impacts can successfully be mitigated through the appropriate implementation of Construction Management Plans and dust and dirt control measures. Such mitigation can be conditioned as part of any application consent.
- 6.89 In line with Policy LP51 the appropriate AQA has been undertaken and further assessment is recommended in relation to the overall operational impacts of the proposed scheme. The Assessment undertaken does not identify any harm which cannot be suitably mitigated.

Ground Conditions and Mineral Considerations

- 6.90 The application is supported by a Geo-environmental Appraisal and Remediation Report as required under Policy LP53 'Contamination and Unstable Land'. The policy seeks to ensure that sites which may be at risk from sources of contamination are appropriately remediated to ensure that there is no harm to people or the environment.
- 6.91 The application site is brownfield and found to consist of made ground across the entire site. Furthermore, due to the historic uses of the site there is also historic former reservoirs, former quarries and back filled reservoirs within the site. The overall ground conditions have implications for the foundation, drainage and infrastructure strategies across the application site. The findings of the Geoenvironmental Appraisal has therefore been used to inform these elements of the scheme.
- 6.92 The proposal has the opportunity to make ground improvements which are proposed through 'soil inversion' or 'turnover' operation. This solution has a number of environmental benefits associated with it including promoting sustainable construction methods by reducing traffic movements, avoiding the export of material off site and the import of subsoil to application site.
- 6.93 A Remediation Strategy supports the application outlining any remediation objectives necessary to protect environmental receptors. The supporting documentation ensures that



there are no contamination risks which cannot be appropriately mitigated against and therefore the provisions of Policy LP53 are satisfied.

- 6.94 The application site lies within an area of Mineral Safeguarding for Sandstone and brickmaking Shale. The Geoenvironmental Report identifies previous mineral extraction operations within the application site. This is further explored within the accompanying Mineral Extraction Statement which supports the scheme. Policy LP38 'Minerals Safeguarding', seeks to ensure that proposals demonstrate that the minerals concerned are of no economic value; will not inhibit mineral extraction in the future; there is an overriding need for development; or the mineral can be removed prior to development taking place.
- 6.95 The application site is allocated for mixed used development and therefore the Council have already accepted the principle of surface level development. The Mineral Extraction Statements acknowledged that there may be sporadic areas of natural ground that contain Sandstone and Shale however these are fragmented in location and in cases too close to the existing built area to make recovery economically viable. Furthermore, the Council has an identified housing need of which this application site is expected to contribute to meeting within the plan period. It is therefore considered that the requirements of Policy LP38 are met.

Noise Considerations

- 6.96 A Noise Impact Assessment (NIA) has been carried out and supports the application submission. The Assessment has found that the predominant noise source in the north of the application site is highway traffic from Westgate (A643), from Quarry Edge Industrial Estate in the south and south east and from Brick Steel Industrial units in the west.
- 6.97 The results of the NIA have been considered in relation to the overall design of the scheme and a number of recommendations are made to mitigate against any impacts. Such recommendations include the use of acoustic fencing at 1.8m or 2m high dependant on location to ensure that external amenity areas are afforded appropriate noise level and wall build up specifications and glazing to ensure that internal habitat spaces meet the necessary noise standards. Following the implementation of the proposed mitigation the amenity of the future occupiers or site users is not compromised. Details of the proposed acoustic fencing are provided within the submission pack for consideration.
- 6.98 Overall, the technical reporting submitted to support the application does not give rise to any adverse impact in relation to environmental quality and would not result in the reduction of quality of life or well-being of people or the environment. The provisions of Policy LP52 are therefore met.



Summary on the Planning Case

6.99 The analysis above has discussed the development proposals and conformity against the relevant development plan policies and within the context of the presumption in favour of sustainable development. The principle of residential development on site is considered appropriate by virtue of its Local Plan allocation, which has been a long-standing commitment by the authority, and given its highly sustainable location. The technical assessments supporting the application have not identified any significant impact which would preclude planning permission. Where harms have been identified, appropriate measures can be secured, through condition or S106 contribution, to mitigation any anticipated harm. There is therefore no technical reason why this application should not be granted permission.



7.0 PLANNING BENEFITS, SUMMARY AND CONCLUSION

7.1 The Framework introduced a presumption in favour of sustainable development. The policies set out in the Framework taken as a whole constitute the Government's view of what sustainable development means in practice.

7.2 The application site is an allocated mixed use site in the adopted Local Plan. The application site is within a sustainable location, a principle already recognised by the Council through its planning allocation.

7.3 The application site is subject to no significant environmental constraints and the various technical reports produced to accompany the application submission demonstrate that there will be no significant adverse impacts which cannot be mitigated against.

Sustainable Development

7.4 The Framework states that in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. The application proposals contribute to all three dimensions and will deliver the following substantial benefits:

Economic Benefits

7.5 The proposed scheme carries significant economic input that are of local and regional significance. Such benefits are summarised as:

- The development would generate investment to the area in terms of construction value and associated spend during the construction period.
- Direct and indirect job creation.
- Planning Gain Package.
- Council Tax revenue per annum.
- New Homes Bonus.
- Indirect "spin off" jobs in services and other business from wage spending of construction workers and supplier sourcing and additional resident expenditure as a result of new homes in the town.
- First occupation expenditure.



- A contribution to building a strong, responsive and competitive economy by providing development of the right type in the right place and at the right time to support growth in line with national and local policy.

Social Benefits

7.6 The following benefits are directly related to the social dimension of sustainable development.

- Creation of a new vibrant and visually attractive neighbourhood in a sustainable location on a brownfield redevelopment site.
- Delivery of housing to meet the District's overall housing need.
- Delivery of 20% no. on site affordable housing.
- Provision of market sale, private rents and affordable housing at a variety of housing mix (2 to 5 bedroom including bungalows) to meet the identified local housing requirements within the District.
- Enhancement within the townscape and street scene through the demolition of onsite buildings and the redevelopment of the brownfield site.
- Provision of onsite green infrastructure and POS to provide an attractive environment for footpath and cycle provision through the application site.
- Sustainable location which provides access to a range of existing services and facilities in Cleckheaton through sustainable travel means.
- The provision of new community facilities will benefit the increased population with new play spaces and promote active and healthy lifestyles.
- The POS and play facilities will provide recreational space for the residents of the development and surrounding area and will serve as a focal point for social interaction, active recreation and play.

Environmental Benefits

7.7 The following benefits are directly relevant to the environmental dimension of sustainable development.

- Development of the application site creates a diverse, vibrant and high quality, sustainable mixed-use community with a distinctive sense of place.



- Provision of extensive POS and green infrastructure and public realm which will be of a visual and recreational benefit to new residents and the existing community
- Delivery of a series of pedestrian routes and interlinked public spaces to improve permeability and encourage connectivity between the application site and the adjoining built environment.
- The access arrangements are appropriate and the application site is accessible by a range of modes of transport.
- Landscaping Plan including native tree planting – to break up hard lines of the buildings and create focal points within the development. The tree species selected will maximise food and nectar sources for birds and invertebrates. Trees will generally be planted as 'Heavy' and 'Selected' Standards (as per the Landscape Masterplan) to provide a good degree of instant maturity to the development.
- Shrub Planting – a mix of evergreen and deciduous shrubs will be planted in selected front garden to soften the development and to provide a valuable food source for birds and invertebrates. A mix of medium/low shrubs will be planted to shrub beds with medium to large varieties used for against high walls and fences.
- Hedge Planting – beech and evergreen flowering hedges will be planted to selected frontages to give structure to the application site and separate drives and parking spaces.
- Delivery of development within areas at lowest risk of flooding.
- Implementation of an appropriate surface water drainage strategy with will provide a 30% betterment in relation to the current run off rate.
- Opportunities for biodiversity enhancements through provision of wildflower meadow planting and management of the Invasive Non-Native Species.
- Public Open Space in southern area of the site (Flood Zone 2 and 3) with benefit from the retention of large areas of existing planting and proposed native planting around the southern boundary (Alder, Willow species, River Birch). The open space around these will be sown with a wildflower seed for wetlands. The rest of the area will be sown with a species rich grass seed.
- increasing the biodiversity of the site



- Remediation opportunity of a brownfield site.
- There are no significant concerns in respect of land contamination, noise or air quality that would result in the reduction of environmental quality.

7.8 In this case the benefits associated with developing this allocated site significant and demonstrably outweigh any adverse impact and therefore this planning application should be approved without delay.

7.9 The proposed development has been assessed against relevant policies in the development plan and other material considerations. Subject to the implementation of and adherence to suitably worded planning conditions, it is considered that the proposed development would constitute sustainable development (with reference to Para. 11 of the Framework) and therefore should be approved without delay.