



KIRKLEES COUNCIL

**LAND COMPENSATION ACT 1961,
as amended by Part 9 of the Localism Act 2011**

CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT

Application Number: 2024/91897

To:

Matt Eyre
Quod
21 Soho Square
London
W1D 3QP

Application number: 2024/91897

Location: Land at Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EG

Applicant: Dewsbury Riverside Limited

Proposal: Application for a Certificate of Appropriate Alternative Development for a residential development of 169 dwellings

On 05/07/2024 Kirklees Council received a valid application for a Certificate of Appropriate Alternative Development under section 17 of the Land Compensation Act 1961 (as amended) in relation to the land described above and defined by location plan 11151 SK04 and the red line boundary shown on the plan attached to this certificate.

Kirklees Council, exercising its powers under section 17 of the Land Compensation Act 1961 (as amended), HEREBY CERTIFY THAT in its opinion if the land were not proposed to be acquired by an authority possessing compulsory purchase powers, planning permission would have been granted at the Relevant Valuation Date (RVD) of 22/05/2024 for development of one or more of the classes specified in Schedule 1 below, subject to the conditions listed in Schedule 2 below and the planning obligations listed in Schedule 3 below.

SCHEDULE 1 – DESCRIPTION OF DEVELOPMENT

Residential development under Use Class C3 (Dwellinghouses).

Residential development under Use Class C3 (Dwellinghouses) with a limited element of Use Class C2 (residential institutions).

Residential development under Use Class C3 (Dwellinghouses) with a limited element of local centre uses (those uses falling within the definition of “main town centre uses” in the glossary of the Kirklees Local Plan Strategy and Policies document and that provide for top-up shopping and local services particularly food and drink).

SCHEDULE 2 – CONDITIONS

- Development to commence within three years.
- Development in accordance with plans and specifications.
- Construction (Environmental) Management Plan to be submitted.
- Temporary (construction phase) drainage measures to be submitted.
- Provision of site entrance and visibility splays prior to works commencing.
- Details of permanent site access to be submitted, and implementation of works.
- Details (including road safety audits and approval under Section 38) of internal highways to be submitted.
- Submission of details of any highway retaining structures.
- Details of interim waste storage and collection arrangements to be submitted.
- Cycle parking to be provided prior to occupation.
- Provision of electric vehicle charging points.
- Provision of waste storage and collection.
- Arboricultural Method Statement to be submitted.
- Tree protection measures to be implemented.
- Restriction on timing of removal of hedgerows, trees and shrubs.
- Details of landscaping to be submitted.
- Ecological mitigation and enhancement details (including an Ecological Design Strategy, and measures to address impacts on birds including ground-nesting farmland birds) to be submitted.
- Contaminated land conditions.
- Coal mining legacy – details of intrusive site investigation (and, where necessary, remediation) to be submitted.
- Archaeological site investigation.
- Submission of a fully-detailed drainage strategy.
- Submission of flood routing details.
- Site to be developed with separate systems of drainage for foul and surface water on and off site.
- Submission of details of parking surface treatments.
- Submission of a noise report specifying measures to be taken to protect future occupants of the development from noise, and details of ventilation.
- Submission of air quality assessment and details of mitigation measures.
- Submission of details of crime prevention measures.
- Submission of details of external materials.
- Submission of details of electricity substation(s).
- Submission of details of boundary treatments.
- Submission of details of air source heat pumps (appearance, noise and maintenance).

- Submission of details of external lighting.
- Removal of permitted development rights.
- Control of accretions to elevations fronting highways, open space and public rights of way.

The pre-commencement Biodiversity Gain Plan general planning condition (imposed by legislation) would have also applied.

SCHEDULE 3 – PLANNING OBLIGATIONS

- 20% affordable housing, and details including tenure split, locations, designs, unit size mix and delivery.
- Off-site open space contribution to address shortfalls in specific open space typologies.
- Education and childcare contribution.
- Employment and training measures.
- Formula-based contributions towards off-site highway works at affected junctions.
- Sustainable Travel Fund contribution.
- Public transport improvement contribution.
- Travel Plan monitoring contribution of £10,000 (£2,000 per year for five years).
- Biodiversity net gain contribution (if net gain is not achieved on-site), and biodiversity net gain maintenance and monitoring for a 30-year period.
- Drainage management and maintenance arrangements, and participation in a HS61-wide drainage working group.
- Agreement to enable adjacent development, and to not create and/or exploit ransom scenarios.
- Arrangements for the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, including open space.

NOTES

1) For the avoidance of doubt, the following aspects of the development (described in Schedule 1 above) would have been considered acceptable, and would have formed part of the development approved. This Certificate of Appropriate Alternative Development is based on the following aspects of the development:

- 169 dwellings.
- 35 dwellings (of the 169) to be affordable (20.7% provision).
- Building heights of one to three storeys.
- On-site open space including playspaces.
- Attenuation basins.
- One cycle parking space per unit.

2) For the avoidance of doubt, the following aspects of the development (described in Schedule 1 above) would not have been considered acceptable, and would not have formed part of the development approved:

- Layout.
- Unit size mix.
- Drainage strategy.
- Highway design.

- Parking provision.

3) Regarding a C3-led development including class C2 accommodation (residential institutions such as residential care homes), such a use could have been considered acceptable at this site, if limited in quantum (and as a proportion of floorspace, relative to the development's C3 floorspace).

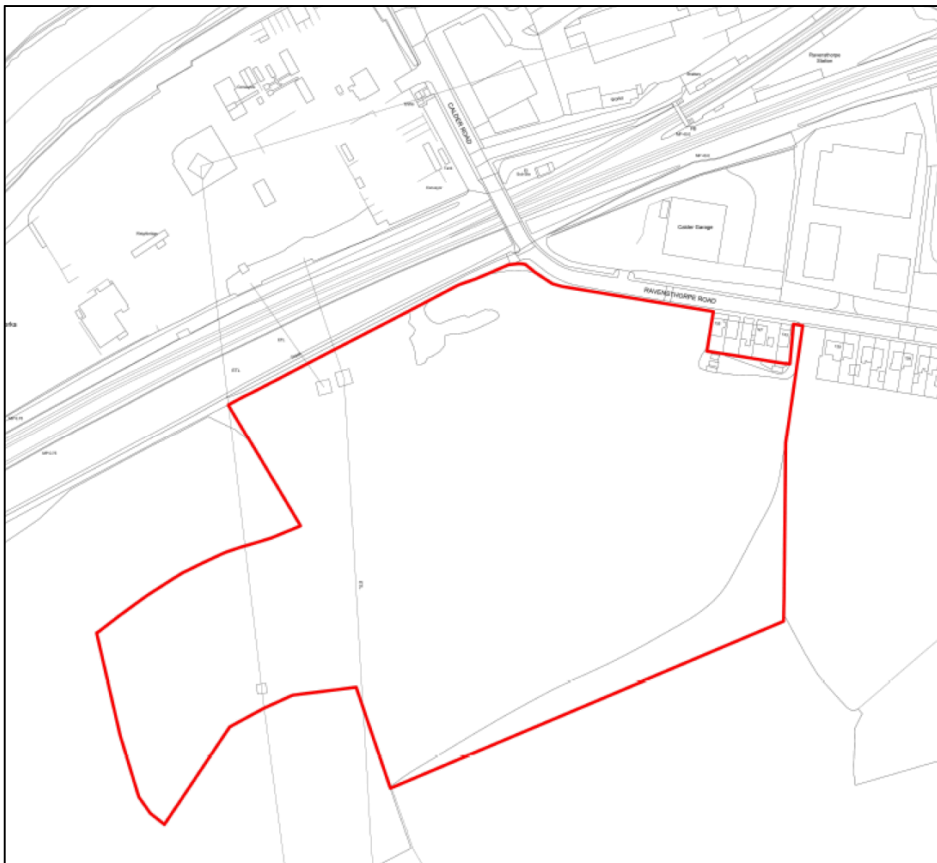
4) Regarding a C3-led development including non-residential uses (such as those typically found in a local centre), as the north edge of the site would be close to the existing Ravensthorpe railway station, there may have been scope for certain non-residential uses at this part of the site, if limited in quantum (and as a proportion of floorspace, relative to the development's C3 floorspace) given the site is allocated for residential development, and given sequential testing and masterplanning considerations (there are more appropriate locations for non-residential uses elsewhere within HS61).

5) Continued agricultural use of the site would have been lawful.

6) Further to Schedules 2 and 3 above, additional conditions and planning obligations may have proved necessary in light of the detailed assessment of a planning application.

7) Under section 18 of the Land Compensation Act 1961 (as amended) there is a right of appeal against a Certificate of Appropriate Alternative Development. This right is exercisable by both the acquiring authority and the person having an interest in the land who has applied for the certificate. Such appeal should be made to the Upper Tribunal.

THE LAND SUBJECT OF THIS CERTIFICATE:



An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 16/04/2025

Signed:



David Shepherd
Executive Director of Place

Address to which all communications should be sent:-

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