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**Report of the Head of Planning and Development**

**STRATEGIC PLANNING COMMITTEE**

**Date: 06-Oct-2022**

**Subject: Planning Application 2020/92350 Outline application for residential development (Use Class C3) of up to 181 dwellings, engineering and site works, demolition of existing property, landscaping, drainage and other associated infrastructure Land south of, Heybeck Lane, Chidswell, Shaw Cross, Dewsbury**

**APPLICANT**  
**C C Projects**

**DATE VALID**  
**22-Jul-2020**

**TARGET DATE**  
**21-Oct-2020**

**EXTENSION EXPIRY DATE**  
**08-Jan-2021**

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Please click the following link for guidance notes on public speaking at planning committees, including how to pre-register your intention to speak.

[Public speaking at committee link](#)

**LOCATION PLAN**



**Maps not to scale – for identification purposes only**

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**Electoral wards affected: Batley East**

**Ward Councillors consulted: Yes**

**Public or private: Public**

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## **RECOMMENDATION**

Members to note the contents of this report for information.

### **1.0 INTRODUCTION**

- 1.1 This application is presented to the Strategic Planning Committee as the proposals are for a major mixed-use development, including more than 60 residential units.
- 1.2 The council's Officer-Member Communication Protocol provides for the use of position statements at Planning Committees. A position statement sets out the details of an application, the consultation responses and representations received to date, and the main planning issues relevant to the application.
- 1.3 Members of the Committee are invited to comment on the main planning issues to help and inform ongoing consideration of the application, and discussions between officers and the applicant. This position statement does not include a full assessment of the proposals or formal recommendations for determination. Discussion relating to this position statement would not predetermine the application and would not create concerns regarding a potential challenge to a subsequent decision on the application made at a later date by the Committee.
- 1.4 This position statement relates to an application for outline planning permission (ref: 2020/92350) and accompanies another outline application (ref: 2020/92331) relating to adjacent land. Both applications were submitted by the same applicant, and both relate to allocated site MXS7.
- 1.5 A position statement relating to these proposals was considered by the Strategic Planning Committee on 11/07/2019, at pre-application stage (refs: 2018/20077 and 2018/20078). A further position statement relating to the two planning applications was considered by the committee on 17/11/2020.

### **2.0 PROPOSALS**

- 2.1 The proposals remain largely unchanged since 17/11/2020. Under this application (which relates to the smaller (Heybeck Lane) part of the allocated site), the applicant proposes the demolition of an existing dwelling at 39 Hey Beck Lane, and a residential development of up to 181 dwellings, engineering and site works, landscaping, drainage and other associated infrastructure.
- 2.2 A single vehicular entrance is proposed off Heybeck Lane. Other connections (for pedestrians and cyclists) would be created to the south and east.

- 2.3 An existing public right of way would be retained, and new footpaths, footways and cycle routes would be created throughout the site.
- 2.4 The applicant's indicative plans show public open spaces, a playspace, treeplanting and soft landscaped areas.
- 2.5 Access is the only matter not reserved.
- 2.6 The applicant has submitted a parameter plan showing maximum building heights, a 20m wide woodland buffer zone and a sewer easement.
- 2.7 Development proposed under application ref: 2020/92331 is described in the accompanying position statement.

### **3.0 UPDATES SINCE 17/11/2020**

- 3.1 The accompanying position statement relating to application ref: 2020/92331 provides updates regarding the site's context, planning policy and guidance, representations, consultation responses, and the applicant's amendments and further information. Where relevant information is specific to application ref: 2020/92350 and differs to that relevant to application ref: 2020/92331, it is set out here in this position statement.

### **4.0 REPRESENTATIONS**

- 4.1 Details of representations received from local residents were provided in the previous position statement.
- 4.2 After 17/11/2020, in addition to the five further representations from the Chidswell Action Group (referred to in the accompanying position statement relating to application ref: 2020/92331), a representation was received from a local resident, raising concerns regarding the use of heavy machinery at the application site.

### **5.0 CONSULTATION RESPONSES**

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

#### **5.2 Statutory**

- 5.3 National Highways (formerly Highways England) – Agree that the traffic impact from the smaller Heybeck Lane site (ref: 2020/92350) does not, as a standalone site, trigger the requirement for mitigation at motorway junctions. It is only when this is considered cumulatively with the larger Leeds Road site (ref: 2020/92331) that this requirement is triggered. Holding objection maintained until further travel planning work is completed.

#### **5.4 Non-statutory**

- 5.5 KC Education – Secondary school contribution of £223,957 required.
- 5.6 KC Highways Development Management – Advice provided throughout discussions.

- 5.7 KC Landscape – Comments made on indicative layout. Measured areas required for each open space typology. 181 dwellings triggers the need for a Local Equipped Area of Play (LEAP). Details of landscaping, management and maintenance, street trees and ecological measures would be required at Reserved Matters stage.
- 5.8 West Yorkshire Combined Authority – See position statement for application ref: 2020/92331.

## **6.0 PHASING AND DELIVERY**

- 6.1 Of relevance to delivery, the applicant chose to submit two applications for outline planning permission – one for the larger (Leeds Road) part of the site, and one for up to 181 dwellings proposed at the north (Heybeck Lane) end of the site. This was intended to respond to a query raised by the Local Plan Inspector as to whether early delivery of housing at part of the site could be demonstrated.
- 6.2 Subject to planning permission being granted, the residential units at the Heybeck Lane site can (and are likely to) be delivered early in the development programme, due to this phase being less reliant on key infrastructure proposed elsewhere within the allocated site.

## **7.0 HIGHWAYS AND TRANSPORT**

- 7.1 The applicant's proposals for the Heybeck Lane are co-ordinated with (and are not entirely separable from) those for the larger Leeds Road site (see application ref: 2020/92331). The Heybeck Lane site does, however, benefit from a degree of self-containment, as it could be served via an independent vehicular access from Heybeck Lane.
- 7.2 Where the proposed c181 units – considered in isolation – would not cause highway impacts requiring mitigation, their contribution towards cumulative impacts must still be addressed. As with the Bradley Villa Farm application (ref: 2021/92086, recently considered by the Strategic Planning Authority, where a 277-unit development did not necessitate mitigation at some junctions but would contribute towards cumulative impacts as and when the rest of the HS11 allocated site is developed), the c181-unit development proposed at the Heybeck Lane site would similarly be expected to make a proportionate contribution towards mitigation at certain junctions, particularly junction 28 of the M62. That contribution would be calculated with reference to the c181-unit development's share of the cumulative impact caused by this and other developments at the larger Leeds Road site, and at the Haigh Moor and Capitol Park sites.
- 7.3 In addition, the c181-unit development proposed at the Heybeck Lane site would need to mitigate any highway impacts it directly causes.
- 7.4 The design of the proposed vehicular site entrance on Heybeck Lane is undergoing assessment. A road safety audit and designer's response have been prepared by the applicant.

7.5 The indicative internal layout submitted by the applicant raises no fundamental highway concerns at this stage, however further assessment would be necessary at Reserved Matters stage, should outline planning permission be granted.

7.6 All of the Heybeck Lane site would be within a 400m walking distance of existing bus stops on Leeds Road and Heybeck Lane.

## **8.0 SECTION 106 AND VIABILITY MATTERS**

8.1 The following draft Heads of Terms (regarding matters to be included in Section 106 agreements, should outline planning permission and Reserved Matters approvals be granted) have been discussed with the applicant:

- Highway capacity/improvement/other works
  - M62 J28 capacity improvement.
  - M1 J40 capacity improvement.
  - Shaw Cross junction works.
  - Other capacity/improvement works (subject to ongoing consultation with Highways Development Management officers and Leeds City Council).
  - Other Section 278 works, including at Dewsbury Road / Syke Road / Rein Road junction.
- Sustainable transport
  - Travel Plan implementation and monitoring including fees – normally £15,000 (£5,000 for three years), however a more nuanced approach to travel planning and monitoring would be appropriate at Reserved Matters stage.
  - Other measures to encourage the use of sustainable modes of transport.
- Other infrastructure works and provision – commitment to investigate potential for decentralised energy, and implement.
- Education
  - Proportionate contribution towards provision of a two form entry primary school.
  - Secondary education contribution of £223,957 (to be reviewed as more detail of unit size mix is known).
  - Proportionate contribution towards early years and childcare provision.
- Open space, including sports and recreation and playspaces – including sum based on SPD methodology (instead of Sport England's methodology), and on-site provision (to be confirmed at Reserved Matters stage) may further reduce contribution. Site-wide strategy required to ensure provision across all phases/parcels/Reserved Matters applications is co-ordinated.
- Affordable housing – 20% of 181 dwellings would be 36 (20 social/affordable rent, 16 intermediate).
- Employment element – pro-rata contribution towards enabling works.
- Placemaking – site-wide strategy including design principles, coding and other arrangements to ensure high quality, co-ordinated development that appropriately responds to existing guidance including Housebuilders Design Guide SPD.

- Air quality – contribution (amount to be confirmed) up to the estimated damage cost to be spent on air quality improvement projects within the locality.
- Biodiversity – contribution (amount to be confirmed once applicant's calculations are updated) towards off-site measures to achieve biodiversity net gain (if 10% can't be achieved on-site).
- Management – the establishment of a management company for the management and maintenance of any land not within private curtilages or adopted by other parties, and of infrastructure. May include street trees if not adopted.
- Drainage – management company to manage and maintain surface water drainage until formally adopted by the statutory undertaker. Establishment of drainage working group (with regular meetings) to oversee implementation of a site-wide drainage masterplan.
- Ancient woodland – management plan (and works, if required) for public access to Dum Wood and Dogloitch Wood (outside application site, but within applicant's ownership).

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

8.3 Commentary regarding the applicant's development appraisal, and its implications for the timings of mitigation delivery, is set out in the position statement for application ref: 2020/92331.

## **9.0 OTHER PLANNING MATTERS**

9.1 The Heybeck Lane site abuts the ancient woodland at Dum Wood. Commentary regarding public access to the woodland (set out in the position statement for application ref: 2020/92331) is of relevance to this application.

9.2 The Secretary of State for Levelling Up, Housing and Communities (SoS) has received a request from a third party to call in the current application. The SoS would only call in the application if the Strategic Planning Committee resolved to grant permission.

9.3 The points raised by the solicitor acting for the Chidswell Action Group (letter dated 29/04/2021) are noted. Regarding the fact that two outline applications have been submitted by the applicant, it must be noted that any applicant or developer of a large site is free to submit several applications at the same time for different parts of their site – there is nothing in planning law to stop them doing this. What is important, however, is how these applications are then assessed. At Chidswell, the two applications (and the impacts of both proposals) are being considered together, including in relation to Environmental Impact Assessment (EIA). This is not an unusual scenario, and the council already has experience of assessing such applications at other sites. A separate EIA Environmental Statement (ES) did not need to be submitted for the Heybeck Lane site.

## **10.0 NEXT STEPS**

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