

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

9 JANUARY 2020

Planning Application 2019/90155

Item 15 – Page 19

Change of Use and alterations to convert trade counter retail unit to function room

Former Harrisons Electrical Warehouse, Huddersfield Road, Dewsbury, WF13 2RU

A request to withdraw the application was received on 06/01/2020 on behalf of the applicant. As such, the application has now been withdrawn. The intention of the applicant is to submit a new application within a short period of time.

Planning Application 2019/90183

Item 16 – Page 35

Erection of 14 dwellings and associated works

Land off Station Road, Skelmanthorpe, Huddersfield, HD8 9TT

Amended Plans and Supporting Information

On 07/01/2019 and 08/01/2020 the council received revised plans and additional supporting information in relation to the proposal for 14 dwellings, which have been uploaded onto the council's website. These plans and supporting information have been provided at the request of officers to ensure that the current submission no longer relates to the previous proposal for 10 dwellings. Additionally, the plans and supporting information have been slightly amended to address comments already made by consultees.

Officers have been informed that some of the supporting information has not been provided by the applicant due to the Christmas break. When all of this information has been received it shall be uploaded onto the council's website and another round of public consultation shall take place in line with the council's adopted Statement of Community Involvement.

The plans and reports provided on 07/01/2020 are as follows:

- 1926-SI-01 Site Layout Plan (Revision C)
- 1926-SS-01 Site Sections (Revision C)
- 1926-A2-01 Floor Plans House Type A2 (Revision A)
- 1926-A2-02 Elevations House Type A2
- 1926-N405-01 House Type N405
- 1926-N407-01 House Type N407

- 1926-N504-01 House Type N504 Floor Plans
- 1926-N504-02 House Type N504 Elevations
- 1926-SL03-01 House Type SL03 Floor Plans
- 1926-SL03-02 House Type SL03 Elevations
- 1926-T41-01 House Type T41 (Revision A)
- Design and Access Statement (Revision B)
- Location Plan
- NH-04-04 1800mm High Timber Fence
- NH-04-05 1800mm Timber Gate
- NH-04-06 High Screen Wall
- NH-04-G-01 Single Garage
- Design and Access Statement
- Highways Supporting Statement (AMA Associates)
- Arboricultural Method Statement (Delta Simons, January 2020)
- BS 5837:2012 Tree and Hedgerow Survey (Delta Simons, January 2020)
- Preliminary Ecological Appraisal (Delta Simons, January 2020)
- Flood Risk Assessment and Drainage Strategy (Bright Young)
- Note to support plan changes (Johnson Mowat, January 2020)

Outstanding supporting reports to be updated and provided by the end of the week:

- Preliminary Geoenvironmental Investigation
- Noise Impact Assessment

Members

See comments of Ward Cllr Simpson and Ward Cllr Turner below (under heading for Item 17 – application ref: 2019/91657), made with reference to both applications.

Consultation

As explained in paragraph 7.6 of the Position Statement, after the receipt of revised plans for 14 dwellings, letters were sent to residents and respondents that had previously commented on the scheme, and responses were sought from consultees on the revised plans.

The three additional objections (detailed below in relation to application ref: 2019/91657) are also relevant to this application.

At the time of writing, 19 letters of objection were received (including the three mentioned above). A summary of the issues raised (together with the officer response) are as follows:

- Cumulative impact this development will have with other local residential developments on traffic, flooding, drainage, GPs, schools, local amenities, wildlife, local culture and character.

Officer response –The Local Plan process has identified this particular site as being necessary and suitable for housing development, which in turn will help contribute towards the district’s housing needs. The site’s sustainability credentials and its cumulative impacts with other allocated residential site were considered during the Local Plan process.

- Confusion as to how many houses are being proposed – 10, 12, 14 dwellings?

Officer response – 14 dwellings are now proposed.

- Can the consultation be extended given the Christmas holiday period?

Officer response – The consultation process makes allowance for bank holidays. Furthermore, another round of public consultation shall take place once all of the amended plans and documentation has been received.

- Brownfield sites such as Greenside Mill should be used instead of this greenfield site.

Officer response – The Local Plan seeks to meet the district’s housing and employment needs. Although the council operates a “brownfield first” approach, there is not sufficient deliverable and/or developable brownfield supply to meet known needs throughout the plan period. The Local Plan process has identified this particular site as being necessary and suitable for housing development, which in turn will help contribute towards the district’s housing needs. The Local Plan does not give preference as to which allocated site should or should not be brought forward for development and each application site has to be judged on its own individual merits.

- Council never clean or maintain the local drains – can this be reported?

Officer response – This issue has been raised with the Lead Local Flood Authority.

- No one will choose to walk through Greenside Mill in its current state.

Officer response – This matter has been addressed in paragraph 10.62 of committee report for application ref: 2019/91657.

- Lack of a masterplan with the adjacent scheme (ref: 2019/91657) and goes against policy LP5.

Officer response – This matter is addressed in paragraph 10.15 of the committee report.

- Concern about the lack of information regarding the 14-dwelling proposal.

Officer response – This information has now been provided by the applicant. See comments above regarding public consultation.

- Run off water will increase into Baildon Dike and increase the risk of flooding at Park Gate. Already been several recent flood warnings.

Officer response – Further consultation will be sought with the Lead Local Flood Authority on the latest drainage strategy.

- 40% increase in the houses being proposed, therefore a 40% increase in traffic, particularly during peak times.

Officer response – Further consultation will be sought with Highways Development Management officers on the latest plans and Highway Statement.

- Inadequate number of parking spaces provided – short of eight spaces.

Officer response – Further consultation will be sought with Highways Development Management officers on the latest plans and Highway Statement.

- Implications on highway safety of Station Road, Parkgate and surrounding local road network due to the narrow carriageway, narrow/no footways, blind bends, speeding, parked cars, challenging gradients, industrial and farm related activity, commuter traffic and rat running.

Officer response – Further consultation will be sought with Highways Development Management officers on the latest plans and Highway Statement.

- Impact on the Kirklees Light Railway line – visual amenity, rural setting, flooding, anti-social behaviour, Great Crested Newts.

Officer response – Consultees have not previously raised any issues with regards to any of these matters.

- Increased number of 3-storey houses on this hillside – overpowering the current cottage-height buildings. No cohesion of house style between the two sites.

Officer response – The houses are part 2- part 3-storey and make use of the topographical changes. Several 3-storey blocks of apartments are located nearby at Standback Way. The issue was previously raised by officers, subsequently the architect used for the adjacent site was employed to replicate the housing styles for this site.

- Impacts on wildlife – barn owls, newts, bats, ducks, pheasants, foxes, kestrels, songbirds, pigeons, etc.

Officer response – Some of the species named are not protected and no objections have been raised by the council's Biodiversity Officer.

- The officer's report does not take into account the latest objections, or those yet to be made, so is incomplete and erroneous.

Officer response – The purpose of the Position Statement is to inform members of the proposal and enable any comments made to be taken into consideration. More importantly, it provides the necessary context for the site allocation HS134 (formerly H72) for members to determine planning application ref: 2019/91657.

The following additional consultee comments were received for the 14-dwelling scheme:

Coal Authority – No objections and no further comments subject to the imposition of prior to the commencement of development condition seeking intrusive site investigations.

Officer response – Further consultation comments will be sought in relation to the latest information provided.

KC Biodiversity – No objections subject to the imposition of conditions controlling external lighting, when and how vegetation is removed and securing an ecological design strategy. The officer is satisfied that the proposals will not result in significant ecological harm or harm to the function and connectivity of the Kirklees Wildlife Habitat Network.

Officer response – Further consultation comments will be sought in relation to the latest information provided.

KC Lead Local Flood Authority – Object to this application on flood risk and drainage grounds. Further study and dialogue is required in order to produce an acceptable master plan for drainage that minimises the risk of cumulative development of small sites on local drainage networks. The masterplan should include the whole site allocation in the local plan which this application only forms part of.

Officer response – Further consultation comments will be sought in relation to the latest information provided.

KC School Organisation – As this development is for a total of only 14 dwellings, it is below the threshold for the Education S106 policy to kick in, so we will not be making a comment. However, should this be part of a bigger development including surrounding plots whereby the number of dwellings would exceed 25 units, we would be happy to run the calculation on the whole site(s).

Officer response – Further consultation comments will be sought in relation to the site allocation delivery of a total of 44 dwelling units.

KC Strategic Housing – 3 affordable units are sought from this development. There is considerable demand for affordable homes in the area. The application proposes a variety of house-types; however, due to the significant need for 2 bedroomed properties, the proposed 3x 2-bed dwellings are welcomed by Strategic Housing. Affordable homes should be distributed evenly throughout the development and not in clusters, and must be indistinguishable from market housing in terms of both quality and design. In terms of affordable tenure split, across the district Kirklees works on a split of 55% social or affordable rent to 45% intermediate housing, but this can be flexible. 2 social or affordable rented dwellings and 1 intermediate dwellings would be suitable for the development.

Officer response – Further consultation comments will be sought in relation to the latest information provided.

Yorkshire Water – No further comments.

Officer response – Further consultation comments will be sought in relation to the latest information provided.

Flood risk and drainage

The further information and assessment set out below (under heading for Item 17 – application ref: 2019/91657) is of relevance to both applications.

Planning Application 2019/91657

Item 17 – Page 55

Erection of 30 dwellings

Land at Station Road, Skelmanthorpe, Huddersfield, HD8 9BA

Members

Further to paragraph 7.4 of the committee report, Cllr Simpson provided the following comments:

Throughout the process of this application the developers have spoken about their intentions for master planning and cooperation. This has not translated in any way to the proposals brought to the Committee. This is highly unfortunate. Only the token gesture of sharing an architect has materialised throughout this process. The material impact of this is difficult to see and I struggle to see any fundamental improvements from earlier proposals. This is very disappointing.

Here we have two very distinct developments – the result is a sub-optimum scheme.

It is incredibly disappointing that there is no vehicular connection between the sites. This would have been both possible and ideal – and this is a matter that myself and Cllr Turner raised on a number of occasions. I believe this would have gone a great way to producing an ideal design and it is disappointing that the developers have failed to cooperate and agree to produce this. In terms of design (LP24) and master planning (LP5), I believe that this application should be rejected until a joined-up scheme is proposed.

Separately, as I outlined in earlier comments, I need to see that the drainage and flooding issues are fully addressed and no further risk is created. At the time of writing, the updated Lead Flood Authority report has not been published, though the previous recommendation for rejection, requiring further study and requiring the production of ‘an acceptable master plan for drainage that minimises the risk of cumulative development on local drainage networks’ remains and is contained within the report. In line with Local Plan policies LP 27 and 28, it is vital that the cumulative impact of local developments on flooding and drainage risks is not a negative one. I would implore the committee to ensure that they are wholly confident of this case and to ensure that, in line with Local Plan policy, any scheme is rejected until these issues have been dealt with.

I also note – and would like to reinforce – comments made relating to concerns about the resultant traffic generation. Whilst the estimated trip generation of 23-25 vehicles at peak times may not be a significant figure in and of itself, this will have a notable effect on the already congested Station Rd/Cumberworth Rd/Huddersfield Rd junction, with cars likely to be backing up along Station Rd (on which vehicles are often double parked). Traffic going in the other direction, through Park Gate and towards Emley, will be travelling on a road which varies significantly in width and is used heavily by agricultural vehicles. I believe this road is unsuitable for a significant increase in congestion (policy LP21); this matter cannot easily be rectified. I suspect that in reality the traffic generated will be greater than that predicted. In and of itself, under existing planning law, I doubt that the Committee would be minded to reject the application on this basis alone, but I ask that they take this into consideration with the above listed concerns.

In summary, our Local Plan gives us more control than we had before it (and would otherwise have had) and allows us to shape the best possible developments for our residents, under existing national planning law. I don’t believe that this proposal is anywhere near optimum and fails to meet the standards and policies to which we set ourselves under the Local Plan.

It is my view that these applications should be rejected in reference to policies LP 5, 24, 26 and 27 – in reference to my above comments.

I believe these produce a sound basis for the refusal of both applications and I ask the committee to do so until the time at which a joined-up scheme is proposed and the above reasons for rejection have been addressed.

Cllr Turner additionally provided the following comments:

In addition to Cllr Simpson's comments, I would like to add I think this site is now too large for the current road network, and is bordering on over intensification of the site, the car parking spaces are woefully inadequate for a development of this size. Station Road can't cope with anymore on-street parking, which this development with the proposed car parking spaces is likely to add too.

I would like to see a more imaginative treatment of the boundaries with more tree cover provided to mitigate the carbon foot print of the site.

The travel plan should be removed and the money spent on improving the local environment, as I don't believe that given the distance from the bus network it will deliver a positive outcome, and more can be achieved by investing such money in carbon reduction schemes in the local area.

I would question the statement that the site is within walking distance of Skelmanthorpe Rec. It's quite a distance away and anyone using it would likely drive there, which would increase the parking difficulties that already exist in the village.

The figure listed on page 59 of £77,050 for offsite contribution is different to the figure of £56,541 on page 80, what is the difference in these payments?

Should this be approved I would like a condition that the off-site monies are made available as soon as work commences rather than at the end of the project, as the need to mitigate the environmental damage should be started as soon as possible.

Consultation

Three further objections to the proposed development have been received. These have been posted online, and the following is a summary of the points raised:

- Both applications should be refused.
- Determination of applications should be deferred until all information has been submitted by applicants.
- Consultation period for 14-unit scheme has not yet ended. The two applications are closely linked, and should be determined at the same time.
- Masterplan required for two sites. Officers are in a race to the bottom in accepting that the sites have challenging topography and that it is too difficult for developers to work together.
- Objection on flood risk grounds. Local Plan policies LP27 and LP28 are not complied with.
- Missing drainage information is a vital consideration relevant to the application. Drainage masterplan required. It is imperative to confirm that adequate drainage from the sites would be provided, and that flood risk at Park Gate (a known flood risk area) would not be impacted.

- Case officer has previously objected on flood risk grounds, and nothing has changed. LLFA have previously objected to applications at these sites, and it is unclear why further information has been requested instead of an objection being lodged. Query why application is recommended for approval before highway drain has been surveyed.
- Total run-off from sites would be 7 litres per second (420 litres per minute / 25,200 litres per hour), or more with major rainfall or if the attenuation tanks fail or become full, and excess water from here would flow down Station Road to Park Gate and Baildon Dike. Two more proposed attenuation tanks would increase flood risks. All water should be diverted to the downstream side of the road bridge.
- Two attenuation tanks of the 93-unit Jones Homes development off Standback Way overflow into Baildon Dike. These have not been maintained, and the LLFA confirmed that household waste water was also flowing into them. Flood alerts have increased as a result.
- Environment Agency's flood alert system at Park Gate has been activated four times in the past four months, with a red alert activated on 07/11/2019 (sandbags were deployed). Properties flooded in 2007 and 2012, and near misses occurred in 2015, 2018 and 2019. Photos of floods provided. Video evidence also available. LLFA is aware where the highway drain enters Baildon Dike. Road bridge abutments and sediment restricts water flow, causing flooding at Park Gate.
- Members are invited to view road bridge and the point where the highway drain discharges.
- Objections on highway grounds. Local Plan policies LP21 and LP22 are not complied with. Road bridge is narrow and has a blind bend, concealed exits and no footway. Road is used as a rat run. Road carries farm traffic. Road is used by walkers and horse riders. Members will not see heaviest traffic. A serious accident will take place on the bridge, and near misses already occur. Station Road has a complex junction with Commercial Road. Application supporting documents do not account for additional traffic from a total of 44 dwellings. Other developments in the pipeline will add significant extra traffic to this dangerous section of road. No traffic calming measures proposed. Officers have acknowledged the need for pedestrians to avoid roads. Objection to two highway access points.
- Cars park opposite application sites. Inadequate parking proposed – scheme lacks three visitor spaces, and one-bedroom houses would only have one space each. Smaller scheme also lacks parking spaces. More cars will park on Station Road, making it a single-track road. Fire response times to Emley would be impacted. Local roads would become more dangerous.
- Local Plan policies LP24 and LP33 not complied with. Redesign to accommodate protected trees should take place prior to determination, as significant changes are likely and further public reconsultation would be required.
- Objection due to inadequate local infrastructure.
- 55 homes already have outline planning permission nearby.
- Proposals are not sustainable.
- Site is not fit for development. Constraints and risks are too high. Local Plan site allocation is wrong.

- Developer has bulldozed site, removed dry stone walls, hedgerows and shrubs, and erected metal barricades, in peak bird nesting season, flouting nesting bird protection.

Officer response: Most of the above points have already been considered in the committee report, or are addressed in this committee update.

Residents have made reference to an attenuation tank at the Jones Homes site at Baildon Way. The LLFA have visited that site and noted that the installed hydrobrake was functioning. The LLFA have advised that attenuation at that site has not failed and was not the cause of local flooding.

The 55-unit scheme referred to by residents is the Greenside Mill development referred to at paragraph 10.62 of the committee report.

Regarding the works carried out on site last year, the applicant has stated that the only works undertaken by the applicant were the Phase II intrusive site investigation works carried out on 21/02/2019. To facilitate these works, the applicant created an opening from Station Road with the agreement of the landowner, and then secured the boundary with Heras fencing. The matter was investigated by the council's Planning Enforcement team in June last year (ref: COMP/19/0044), however it was established that no breach of planning control had occurred. Additionally, a resident was advised to refer to the police if there was evidence of nesting birds being affected by the works.

Consultee responses

KC Ecology – As the majority of the development's green infrastructure would be in private ownership, a condition requiring an Ecological Design Strategy (rather than a Landscape and Ecological Management Plan) is appropriate. Previous concerns regarding the proximity of buildings close to protected trees still apply. *Officer response:* Recommended condition 25 can be worded to require an Ecological Design Strategy. Tree impacts are considered below in light of the comments of the council's Arboricultural Officer.

KC Environmental Health – Gas monitoring information (Haigh Huddleston & Associates letter dated 24/06/2019, and appendix) is satisfactory, and its recommendations are agreed. Phase II conditions are still required, as applicant's information indicated that further site investigation is to be undertaken. *Officer response:* This further information from the applicant, and the response of officers, partly addresses the points raised in paragraph 10.82 of the committee report, however the recommended conditions relating to site contamination remain necessary.

KC Trees – Previous comments still apply. No objection to principle development, however plots 23 and 24 are too close to adjacent protected oak trees, and would result in adverse impacts on them. The proposal does not comply with Local Plan policies LP24 and LP33 and cannot be supported. Applicant's recent information does not make reference to shade patterns. Officers have therefore plotted projected shade patterns, demonstrating that plots 23 and 24 would be affected by shade from the protected trees. Tree canopies would dominate the outdoor amenity spaces of the new dwellings. Rather than being orientated away from trees, the rear of plot 23 faces them. Also of note, applicant's drawing omits one of the three protected trees. The

omitted (southernmost) tree would additionally affect plot 23. The proposal would bring a large double garage into a root protection area. Amending plots 23 and 24 to smaller properties should be sufficient to reduce long-term conflicts between the development and the protected trees. *Officer response:* These further comments (and supporting shade plotting) of the council's Arboricultural Officer, made in response to the applicant's information provided on 11 and 17/12/2019, reaffirms the commentary set out at paragraph 10.77 of the committee report. It remains the case that units 23 and 24 will need to be redesigned, and it is recommended that this matter be addressed at conditions stage (see recommended condition 10).

KC Waste and Recycling – Proposed layout does not show provision for storage or collection of bins. Access to bins for collection must not be stepped. Shared driveways are not adequate locations for refuse collection. Manoeuvrability of an 11.85m long, 2.5m wide refuse collection vehicle should be demonstrated. Measures required to prevent parked vehicles obstructing refuse collection vehicle manoeuvring. Waste management plan needed if dwellings are to be occupied before works are complete. Each dwelling requires space for two 240-litre containers (one green for recyclables, one grey for residual waste) and an option for a third (brown) bin for garden waste. *Officer response:* These points are addressed at paragraphs 10.56 and 10.64 of the committee report, and recommended condition 8. Recommended condition 3 (Construction Management Plan) can ensure effective waste management is implemented if dwellings are occupied before works are completed. Recommended condition 5 (internal adoptable roads) can ensure measures are implemented to prevent parked vehicles do not obstruct refuse collection vehicle manoeuvring.

Electricity poles and cables

Further to paragraph 10.30 of the committee report, the applicant has no new, detailed information as to how existing electricity pylons and lines would be dealt with, but has confirmed that they will undergrounded.

Flood risk and drainage

Further to paragraph 10.68 of the committee report, officers of the Lead Local Authority (LLFA) have carried out an initial survey of the existing highway drain that runs beneath Station Road. This survey confirmed that the drain serves the highway, however no connecting land drains (bringing surface water from the application sites) were observed. The highway drain runs northeastwards beneath the road, and discharges to Baildon Dike on the upstream side of the road bridge.

In light of the information gathered by LLFA officers, it is now for the applicants to carry out modelling work to demonstrate what (if any) surface water enters the highway drain from the application sites, and to model how this would increase, post-development. Until this modelling work is carried out, the LLFA cannot confirm what (if any) additional capacity the highway drain may have, nor whether the highway drain provides a suitable means to drain the two developments.

Of note, the highway drain beneath Station Road, although owned by the council (as the Highway Authority), is to be regarded as a private drain to which the applicants do not have an automatic right to connect. Connection would only be possible with the agreement of the Highway Authority in light of advice from the LLFA.

If it transpires that the highway drain proves unsuitable, and/or if connection is not permitted by the Highway Authority, the applicants would then need to explore whether any other means of taking surface water to the nearest watercourse would be possible. New pipework beneath Station Road, or beneath third party land to the northeast of the application sites, would need to be explored, although it is noted that these options could prove costly.

If no connections to watercourses are possible, a connection or connections to the combined sewer could be accepted, subject to Yorkshire Water's agreement.

Technical work related to drainage is ongoing, and it is recommended that the agreement of a drainage solution for the application sites be delegated to officers.

In other matters relevant to drainage, it is noted that the council's Section 38 team now require spans (of attenuation storage and pipework) beneath new adoptable roads to not exceed 900mm in width. This will mean amendments to the current drainage proposals at both sites will be necessary to enable adoption.

Climate change

Further to paragraph 10.11 of the committee report, the applicant has provided the following additional information regarding climate change:

- *The site is orientated along the North West/South East axis. Of the 30 proposed units 25 of them (83%) have a South/South East or South/South West orientation to the rear to benefit from solar gain and maximum sunlight.*
 - *The wall and roof finishes are constructed out of natural materials which are to be sourced locally. We also source pretty much all our materials and labour locally thereby ensuring our carbon footprint is kept to a minimum.*
 - *Garages are 6x3m allowing for cycle storage.*
-

Outline planning permission for erection of residential development

East of 28 Northorpe Lane, Mirfield, WF14 0QN

UPDATED RECOMMENDATION:

Officers recommend that the application be DEFERRED in order to allow public consultation to take place following receipt of amended plans and updated Certificates on the planning application form.

3.0 PROPOSAL

As a point of clarity, a change to description of development has been agreed to read as *“Outline planning permission for erection of residential development at land to the east of 28 Northorpe Lane, Mirfield and associated off site layby works opposite the site entrance”*.

Further publicity on the application shall be undertaken to reflect the change to the red line boundary which now includes the area where the associated off site layby works are proposed. The application shall be advertised in accordance with the Council’s Development Management Charter.

7.0 PUBLIC/LOCAL RESPONSE:

Following the publication of the agenda, three further representations are to be reported below:

- Large development in terms of environmental damage and build capacity
Officer Response: this is noted. The site is allocated for housing in the Kirklees Local Plan with an indicative build capacity of 48 dwellings.
- Kirklees Planning have the duty to test this application using the National Planning Policy Framework.
Officer Response: The relevant planning policies have been listed within the committee report, these include all relevant policies of the National Planning Policy Framework.
- Climate Emergency has been declared and urgent action is needed to tackle climate change
- What climate change impact has been measured and assessed to justify outline application for 48 dwellings on green fields.
Officer Response: see point 10.49 of the committee report with reference to climate change impacts.
- Co2 pollution to develop this site will equate to over 8000 tonnes (materials, plant and equipment)
Officer Response: this is noted. A condition relating to the provision of electric vehicle charging points has been suggested by officers.

- Flooding history and condition of Mirfield drainage system should mean that good practice would include consultation with Yorkshire Water, Local Lead Flood Authority
Officer Response: the Local Lead Flood Authority has been consulted on the application and drainage is discussed within the Officer Report. Conditions for drainage maintenance and management schemes, and the submission of a flood risk and drainage strategy have been recommended. No response has been received from Yorkshire Water – Yorkshire Water are however, not a statutory consultee.
- Applicant not produced a Flood Risk Assessment
Officer Response: A Flood Risk Assessment has been submitted and reviewed by the Local Lead Flood Authority. Details are in the committee report.
- Coal Authority not consulted on this application
Officer Response: The Coal Authority have been consulted on the application as seen within the committee report.
- Only desk study carried out
Officer Response: this is noted and is satisfactory at this stage.
- Historically, information held by the Coal Authority is inaccurate
Officer Response: The Coal Authority are satisfied that the submitted Coal Mining Risk Assessment is satisfactory subject to conditions. Details within committee report.
- Site intrusive investigation should be carried out before outline planning permission granted
Officer Response: a pre commencement condition has been recommended by the Coal Authority, and this condition is recommended in the committee report.
- Why wasn't application refused straight away
Officer Response: the application is allocated for housing and has been assessed against relevant local and national planning policy policies
- Parking layby owned by Northorpe Hall
Officer Response: The red line boundary includes this land and notice has been served on the relevant land owners
- Road surface very weak and in poor state
Officer Response: this is noted.
- Without the verge being converted to parking, development cannot go ahead as not enough access for vehicles
Officer Response: see highway safety section of this report.

- Bridleway running through the verge
Officer Response: the public right of way (MIR/12/60) does not run through the grass verge. It runs to the south of this piece of land, adjacent to the proposed layby land.
- Paragraph from planning application 93/00369 has been submitted which states that land waterlogged during rainfall
Officer Response: this is noted. Local Lead Flood Authority have been consulted on the application. Details are within the committee report.
- Trees felled contrary to Preliminary Ecological Appraisal
Officer Response: this is noted. The Arboricultural Officer has stated that no trees worthy of tree preservation order have been felled. The Ecology Officer is aware of this and the ecological impact of the proposed development is addressed in the committee report.

Members:

Further comments have also been raised by Councillor Bolt as follows:

- Provision of a lay by on council owned land could mean that the planning application is refused
Officer Response: Highways Development Management have confirmed that the layby is required to make the scheme acceptable from a highway safety perspective.
- Land is not within the red line boundary of the application form – report is incorrect
Officer Response: the land proposed for the layby is within the red line boundary. This has been reported to members in the committee update.
- Public have not seen the red line boundary and therefore cannot comment on loss of amenity
Officer Response: the new red line boundary will be re advertised.
- Planning application which has a material impact on or affects land of other owner should have notice served, process should be halted until that formal and legal process has taken place
Officer Response: this is noted. Notice has now been served and Certificate B submitted on the application form. This is a legal notice that states that notice has been served on the other owners of the land.
- Land should be seen under the precedent of Stokes v Cambridge as a ransom strip and a higher value can be gained for the use or sale of the land/ value is equal to the total development potential of the site
Officer Response: The works to form the layby would be carried out under the Highways Act (Section 38 or 278 Agreement).

- Grampian condition should be includes to caveat that no development can take place until a formal easement or sale has taken place, for which I expect Kirklees to ensure a maximum return on their asset
Officer Response: this is noted.

- No material gain to the residents of Mirfield or the wider Kirklees area as a result of losing layby
Officer Response: this is noted. However, the layby proposed would, in the view of officers, provide a more appropriate parking area for the vehicles that currently utilise the on-street parking along this stretch of Northorpe Lane.

- In the view of potential value for the land, I believe such a decision should be made by cabinet
Officer Response: this is noted. The application is being heard at Heavy Woollen Planning Sub Committee in accordance with the delegation agreement.

- Officers would be on an isolated platform if you were to try and tell Mirfield and Kirklees that highways and land associated with it were not council assets. It is land vested with highways
Officer comment: this is noted.

- Land is owned by other others and they have not been consulted on, nor given permission for its use
Response: Certificate B of the planning application form has been signed and the required publicity will be undertaken to allow comments to be made on the amended red line boundary.

- Ownership of land is unclear and therefore impossible for planning application to be heard – report is on a false premise
Response: see above response.

- Grass verge is not within the red line boundary
Response: the grass verge is within the red line boundary and, as stated above, the relevant publicity will take place.

8.0 CONSULTATION RESPONSES

As set out in the agenda, a condition requiring the provision of a layby and associated details has been recommended. For clarity, the condition is recommended to include details of the proposed layby, including gradients and sections, and the works subsequently completed prior to works for the proposed development being subsequently completed.

Other matters

Officers' note that reference to land owned by the Council's Highways team has been referred to in Point 3.6 of the Committee Report. It should be noted by Members that subsequently, it has become evident that there is another owner of this land. The relevant notices have subsequently been served and updated Certificates received (as referred to above).

Minerals safeguarding – additional correspondence submitted by agent

In relation to points 10.82 and 10.83 of the Committee Report, the applicant has submitted further information relating to Policy LP38 of the Kirklees Local Plan. The statement is considered acceptable by Officers to satisfy Criterion C of the policy which allows for approval of the proposed development, as there is an overriding housing need (to meet local plan housing targets). This is reiterated in the committee report.

Planning Application 2019/93659

Item 19 – Page 117

Erection of 6 bungalows and associated landscaping and parking

Land off Kitson Hill Crescent, Mirfield, WF14 9EW

UPDATED RECOMMENDATION

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to receive the agreed highways details and to complete the list of conditions including those contained within this report.

7.0 REPRESENTATIONS

An additional letter objecting to the proposal has been received, the concerns are the same as those summarised in para 7.2 of the agenda report (page 120).

Ward Councillor Bolt - States that "sadly the report contains an inaccurate statement, in that at point 7.4".

This indicates that a response to the MTC question – asking what safeguards are there for the occupants of the dwellings and asking what designs are in place for any loss of mobility or extra care living was sent before the end of November (MTC had asked for responses by 3rd Dec).

A response was sent by Strategic Director Economy and Infrastructure on 29/11/19.

In response to the Strategic Director on 24/12/19. Cllr Bolt states:

“The answers lie with other services I believe the questions were specifically not addressed to planning services by Mirfield Town Council to ensure that the fulsome responses required were not simply left until the committee report or even worse lost in an update of which the majority have little knowledge

The questions relating to why wasn't the design chosen to offer best options for extended care, why aren't the properties being designed for Passivhaus, why no renewables are not matters for the planning services but corporate and hence why the CEO, yourself and cabinet member were asked them

I have raised the question at planning and scrutiny last week about the failure of Planning to embrace the Council and Cabinet decisions on the climate emergency motion and it seems that planning services are not bound by council and cabinet resolutions. I thought all council had to adhere to decisions of the executive

In this case if the planning service is not bound then I would hope that housing, estates etc would be and that their actions and decisions reflect the climate emergency resolutions and their action should be accompanied by an environmental impact assessment?

Building new social housing in the second decade of the 21st century without considering the issues of fuel poverty and climate impact seems contradictory to the motions and subsequent cabinet position?”

Officer Response:

The proposed bungalows are retirement bungalows and have been designed and laid out to satisfy both nationally described space standards and Lifetime Homes standards should future residents require any adaptations / improvements at a later date.

The issues regarding access and existing properties already having access onto the site is dealt with in detail in the report. Indeed, this issue was raised at pre-application stage and an amended layout sought to accommodate this.

The issues associated with climate change are addressed in the Committee report.

8.0 CONSULTATION RESPONSES:

KC Highways Development Management - Additional clarification agreed with the applicant regarding the turning for refuse vehicles and extension to the footpath on southern side of the entrance. Subject to these being received no objections and recommend conditions.

KC Lead Local Flood Authority - Recommend conditions.

Erection of 4 bungalows

Land off Fox Royd Drive, Mirfield, WF14 9ER

8.0 CONSULTATION RESPONSES:

KC Lead Local Flood Authority - Recommend a condition relating to the submission of details regarding the drainage design. The drainage design shall include details of attenuation, pipes, diameters, flow control devices and discharge points.

KC Highways Development Management - Recommend conditions.

The Coal Authority - Coal mining legacy is a material consideration, recommend standard conditions. NOTE: The conditions recommended by Environmental Health regarding the submission of Phase 2 Surveys and Remediation also secure coal mining issue/mitigation.

Change of use from carpet showroom to nursery/out of school club

21-23a Leeds Road, Liversedge, WF15 6JB

Applicant correspondence in response to consultation response from Highways Development Management:

Amended plan received SITE PLAN 19/16/B showing amended parking layout, as well as further information which the applicant has clarified as follows:

- Permission been given by the owner of the land for the use of the parking area in front of green storage containers
- Containers only used occasionally (once a week at most)
- No conflict with users of containers and parking spaces
- 50 children will attend the nursery (maximum)
- Permission letter sought from owners of land to use parking spaces
- Large containers in Yard B have already been moved

Officer response:

Additional Highways conditions are recommended:

- Parking marked out on site with labelling of allocated spaces for each use (within parking management plan)
- Applicant to sign up to Modeshift Sustainable Travel Plan

NOTE: In accordance with the Council's Development Management Charter, this information has not been re-advertised to members of the public and is not considered to prejudice members of the public given that the land within the red line boundary of the application site remains the same, with only alterations to the parking spaces within this land being altered. Furthermore, this plan is not being approved and a condition has been recommended for a parking management plan to be submitted.

7.0 PUBLIC/LOCAL RESPONSE

Since the publication of the agenda, the following queries have been raised by an individual in multiple correspondence:

- Car park operates at capacity daily from existing businesses, their customer and vehicles
- How can more people use the same spaces without any issues?
- Has anyone looked at the regular operation of the other businesses?
- Is there a current photograph of the site?
- Can officers categorically state that the applicant owns the land within red line boundary?
- Has Holme Street been assessed for pedestrian safety
- Which officers have assessed this?

OFFICER RESPONSE: See Highways Development Management response to the application. The additional information and site plan that has been submitted are not currently acceptable and a condition has been recommended to members to request a parking management plan to demonstrate that adequate parking can be safely achieved within the site. The land for parking is within the red line boundary and written confirmation between land owners has been received to state that the land can be used for parking.

8.0 CONSULTATION RESPONSES

K.C Environmental Health - Reviewed the application in relation to air quality. Further recommendations have been provided as follows:

"The site in question is in within the Halifax Road, Wakefield Road, Leeds Road & Bradford Road junction system in Liversedge. This junction is, in part, the cause of the Liversedge AQMA (AQMA 7) due to the high volume of traffic, buildings and queuing. While the boundary of the AQMA does not encompass this building, it would have been included if a relevant receptor was at this location.

Apologies that this issue hasn't been flagged sooner, but introduction of a nursery into this location would be creating a relevant receptor and likely cause a breach of health related objectives resulting the council expanding the AQMA to include this development.

This is in contravention with NPPF 181 and also our own policy LP51.

Preferably, we would request a Full Air Quality Impact prior to determining, which will demonstrate concentrations at the development location and allow for assessment of relevant mitigation viability where required"

However, Environmental Health have confirmed that suitable mitigation can be achieved at the site. In order to address the above, Officers' recommend an additional condition to secure the Air Quality Impact Assessment report and appropriate mitigation measures.

12.0 Additional Conditions (to be read in conjunction with those set out on page 148 of the agenda):

- Parking marked out on site with labelling of allocated spaces for each use (within parking management plan)
- Applicant to sign up to Modeshift Sustainable Travel Plan
- Submission of an Air Quality Impact Assessment report and appropriate mitigation measures

Planning Application 2019/92515

Item 22 – Page 149

Erection of first floor and two storey rear extensions

Mohaddis E Azam Education Centre and Masjid E Madani, 225C, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU

Additional Plan received

Since publication of the agenda, an additional plan has been received which indicates the provision of a basement floor comprising an open hall, pre-funeral preparation room and meeting room in addition to kitchen, storage area and washing facilities. This accommodation is over and above that which was previously approved as part of application ref: 2017/93161 and Officers consider the inclusion of this within the current proposals to result in highway safety implications, contrary to Policy LP21 of the Kirklees Local Plan. An additional reason for refusal is therefore recommended:

Additional Reason for Refusal

2. The proposed development would result in a significant intensification in use of the site, to the detriment of highway safety and efficiency. To permit the development would be contrary to Policy LP21 of the Kirklees Local Plan.

Request for Deferral

The applicant has requested that the application is deferred to the Heavy Woollen Planning Sub Committee on 13 February 2020 as they wish to address the issues raised within the Committee Report.

Whilst officers consider sufficient information is before members to determine the application, should members wish to accept this request, discussions are advised to include the highways matter raised above.

7.0 PUBLIC/LOCAL RESPONSE

Amended plans publicity was carried out in relation to the plans that are before members for determination. Nine additional representations have been received in response to this. The comments received are summarised and addressed as follows:

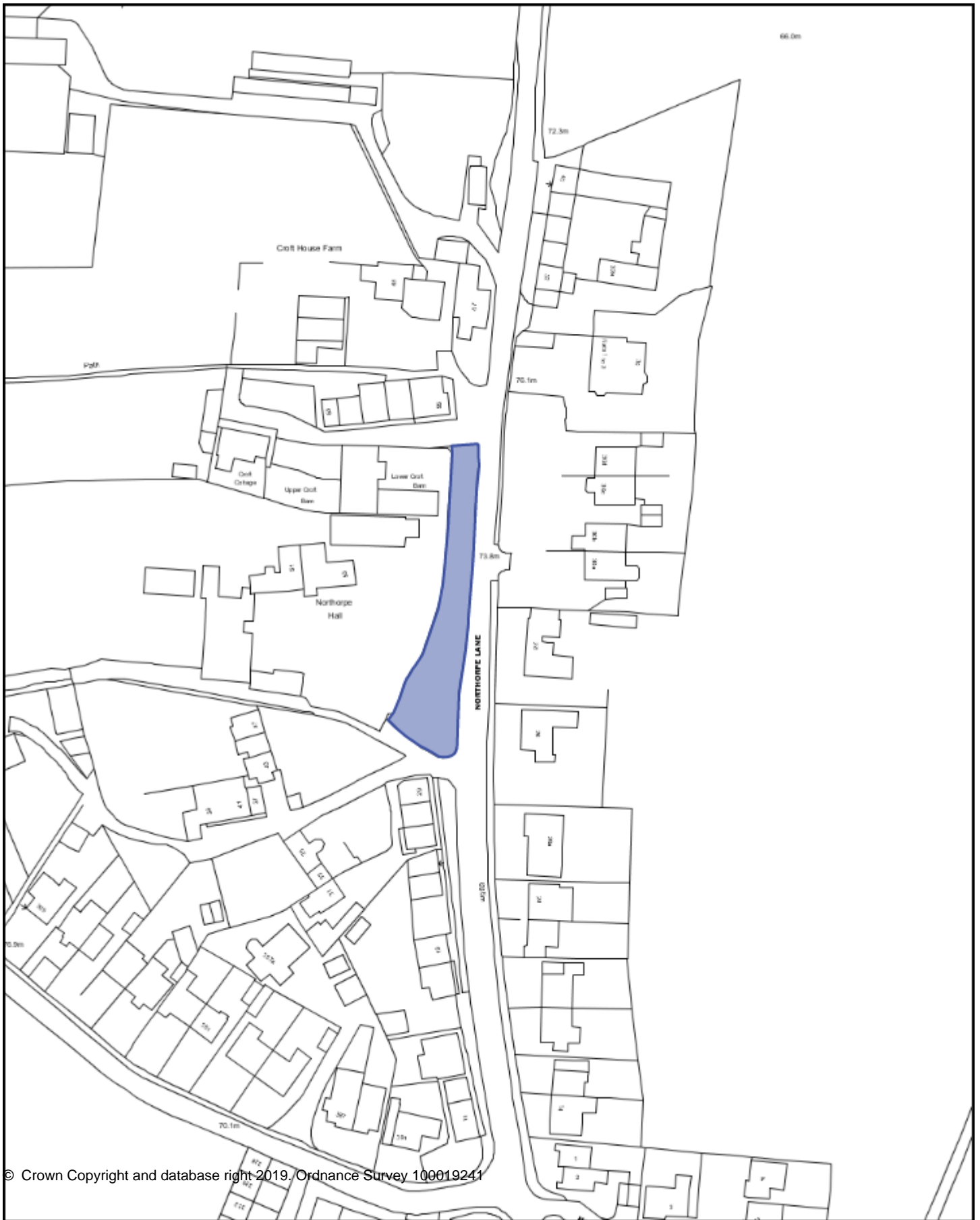
- The Mosque already causes highway issues by blocking driveways, with no regard to local residents
Response: The highway safety aspects of the proposals are addressed in the Committee Report
- Highways and parking issues are having a detrimental impact on the adjacent local business as customers are blocked in
Response: This is noted. The highway safety aspects of the proposals are addressed in the Committee Report
- There are 3 mosques nearby, therefore no need to extend this one
Response: This is not a material planning consideration in the assessment of the application
- The Mosque will not be used for local people
Response: This is noted.
- Local residents have been misled into signing the petition in support of the application
Response: This is noted
- Extension will block the views of neighbouring residents
Response: The loss of a view is not a material planning consideration. In any case, the impact of the extensions on residential amenity is considered to be acceptable and the principle of an extension has previously been considered to be acceptable in the approval of the previous application. Notwithstanding this, the extensions and alterations are not considered to be acceptable from a visual amenity perspective, by reason of their design, bulk and appearance.
- Existing Mosque results in noise disturbance to neighbouring residents
Response: KC Environmental Services have previously assessed the principle of extensions to the Mosque and raised no objections subject to the imposition of conditions

8.0 CONSULTATION RESPONSES:

KC Environmental Services: Re-iterate their previous comments (no objections subject to imposition of conditions)

KC Highways Development Management: Re-iterate their previous concerns which would be exacerbated by the addition of the basement accommodation.

Appendix 1 (in relation to planning application 2019/92378)



Kompass
Kirklees Mapping Service

Verge Outside Northorpe Hall
Scale = 1250
maps@kirklees.gov.uk



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