

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

#### UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY STRATEGIC PLANNING COMMITTEE

24 JUNE 2020

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Planning Application 2019/92378

Item 7 - Page 9

Outline application for erection of residential development at land east of 28 Northorpe Lane and associated off site layby works opposite the site entrance

east of, 28 Northorpe Lane, Mirfield, WF14 0QN

Update to the recommendation to read as follows (to include securing a S106 agreement):

**DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development to complete the list of conditions including those contained within this report and to secure a S106 agreement to cover the following matters:**

- .affordable housing contribution,
- .education contribution,
- .public open space contribution,
- .contribution towards metro card provision and the provision of a bus shelter with real time information display and Travel Plan monitoring fee ; and
- .drainage maintenance and management scheme.

Update to condition 29 to include reference to 'cycle link', and will read as follows:

*29. Details of a pedestrian and cycle link between the application site and any future footpath/cycle path shall be incorporated into future layout of the housing development under 'layout*

Cllr Bolt comments:

Cllr Bolt has raised the following concerns:

Who is the highways staff members responsible for the comments on the application?

*Officer comment: the comments on the application have been made on behalf of Highways Development Management.*

Does anyone check staff comments and submission?

*Officer comment: this is not a matter relevant to the assessment of the planning application.*

Astounded that they have failed to request a contribution to the development of the Greenway adjacent to the site

*Officer comment: the route is designated as indicative and the alignment of the route has yet been finalised and no scheme prepared, to ask for a financial contribution in this instance is considered to be premature.*

Site is a designated green corridor and a route for active travel, as can be seen from bids to Government for money

*Officer comment: this is noted.*

As an allocated policy in the Local Plan and also a council priority to promote active travel, it should be automatic on all applications in similar circumstances

*Officer comment: a condition has been recommended to ensure that at reserved matters, the layout shall incorporate a link to the indicative route identified in the Core Walking and Cycling Network Plan. Given that the route is only indicative at this stage and the alignment of the route is yet to be finalised/ no scheme prepared, to ask for a financial contribution is considered to be premature.*

Cabinet have also passed more policies to reflect ambitions to see more walking and cycling

*Officer comment: a condition has been recommended to ensure that at reserved matters, the layout shall incorporate a link to the indicative route identified in the Core Walking and Cycling Network Plan.*

Site is allocated in the Local Plan and if delivered, would form a link from Northorpe to Spen Valley Greenway and beyond

*Officer comment: this is noted. The site is allocated for housing and an indicative footway/cycleway is shown on the Local Plan maps.*

Despite raising the matter with planning during the previous consultation, Kirklees have failed to attach a condition to get a financial contribution from the developer to begin accumulating funds for the construction and delivery

*Officer comment: see above.*

Not been revisited in intervening months, why? Highways officer should be asking for an automatic condition and funding formula

*Officer comment: see above response*

Same practice was in operation in Kirklees for many years, seeing the delivery of sections of Greenway in many parts of the borough, leading to developing the network which previously won European Awards for its excellence

*Officer comment: this is noted, and a condition has been recommended to ensure that a link is provided to the indicative walking/cycling network as part of any subsequent reserved matters application.*

I trust no one in Kirklees will claim the Council is short of funds when they are prepared to forego legitimate contributions from developers to deliver council priorities

*Officer comment: this opinion is noted and a response is given above as to why a contribution is not considered appropriate in this instance.*

It was done in Netherpton, and want to know why Mirfield is not being treated fairly

*Officer comment: each application is assessed on its own merits. The reasoning for not requesting a financial contribution to the indicative walking/cycling network is addressed above.*

Report has not been redrafted since the previous deferral and comments made in respect of Kirklees failure to correctly show the red line boundary and other matters are included as if they are current comments but in fact the situation has changed, plan was drawn and readvertised

*Officer comment: the Committee report includes all comments made on the planning application. It is noted that the plan was drawn and subsequently re advertised.*

One further representation has been received raising the following matters:

Concerns with the proposal to secure matters which should be secured as a S106 agreement through a planning condition

*Officer comment: this is noted.*

Very dangerous position for the Council to take, it is not appropriate to use planning conditions to secure a future S106 agreement

*Officer comment: this is noted, along with reference to the NPPF and NPPG. The suggested list of conditions has been amended as below*

Council exposed themselves to the very real possibility that they will not get the S106 contributions and the conditions can be challenged as they do not meet the tests for planning conditions

*Officer comment: this is noted.*

Does not meet guidance in the NPPF and NPPG

*Officer comment: this is noted.*

It is not appropriate to secure these matters through conditions and a S106 should be sought to secure these matters now

*Officer comment: this is noted – the recommendation to Members has been updated to secure a S106 agreement for contributions at this outline stage.*

A S106 obligation cannot be requested at reserved matters stage when a S106 has not been sought at outline stage

*Officer comment: this is noted.*

S106 agreement should only be requested in order to make development which would not otherwise be acceptable, acceptable – once a planning permission has been granted, this could not be shown.

*Officer comment: the recommendation has been updated as previously stated.*

## **Suggested Conditions (Amended)**

1. *Approval of Reserved Matters details of Appearance, Landscaping, Layout and Scale to be sought before development commences.*
2. *Plans and particulars relating to Reserved Matters details of Appearance, Landscaping, Layout and Scale to be submitted and approved in writing.*
3. *Application for Reserved Matters to be submitted within 3 years.*
4. *Time limit for commencing development.*
5. *Development to be carried out in accordance with approved plans and specifications.*
6. *Programme of archaeological recording to be submitted by a qualified and experienced archaeological consultant or organisation, in accordance with a written scheme of investigation.*
7. *Coal Mining Legacy – the undertaking of an appropriate scheme of intrusive site investigations; submission of a report of findings arising from the intrusive site investigations; submission of a scheme of remedial works for approval and implementation of those remedial works.*
8. *Submission of a Construction Environmental Management Plan which shall include details of actions that will be taken to minimise adverse impacts on occupiers of nearby properties.*
9. *Provision of Electric Vehicle Charging Points.*
10. *Submission of a Phase 1 Preliminary Risk Assessment Report*
11. *Submission of a Phase 2 Intrusive Site Investigation Report.*
12. *Submission of a Remediation Strategy.*
13. *Implementation of a Remediation Strategy.*
14. *Submission of a Validation Report.*
15. *Submission of a Noise report specifying measures to be taken to protect the future occupants of the development from noise from Humac Associates Supplies Ltd, Stoney Lane and Northorpe Working Mens Club, Eastfield Road.*
16. *Submission of an Ecological Impact Assessment.*
17. *Development to incorporate measures to minimise the risk of crime and meet the specific needs of the site and development.*
18. *Details of access and internal road layout (to an adoptable standard) to be submitted to and approved in writing.*
19. *Detailed plans and sections of layby to be submitted to and approved in writing by the LPA*
20. *The proposed development will not commence until the layby which is adjacent to Northorpe Hall is completed.*
21. *Details of junction new estate road to be approved in writing and development shall not be occupied until these works complete*
22. *Within first 3 months of any part of development being brought into use, a travel plan shall be submitted and approved in writing by Local Planning Authority.*
23. *Details of a pedestrian link between the application site and any future footpath/cycle path shall be incorporated into future layout of the housing development under 'layout'.*

*NOTE: This approval does not relate to the layout of the proposed development. Concerns have been raised in relation to this – see visual amenity section of this report.*

*NOTE: Guidance on crime prevention measures – boundary treatments and front boundaries of dwellings, rear gardens and access footpaths.*

*NOTE: All contamination reports shall be prepared in accordance with Model Procedures for the Management of Land Contamination – Contaminated Land report 11 (CLR11), National Planning Policy Framework (NPPF) and the Council’s Advice for Development documents or any subsequent revisions of those documents.*

*NOTE: Guidance relating to the details to be included as part of the Construction Environmental Management Plan.*

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**Planning Application 2019/93616**

**Item 9 - Page 93**

## **Erection of 46 dwellings**

### **Land south of Soureby Cross Way, East Bierley, BD4 6PL**

#### Affordable housing

Further to paragraph 10.54 of the committee report, the applicant has confirmed that units 9, 10, 11 and 12 would be intermediate, and units 28, 29, 44, 45 and 46 would be affordable/social rent. This is policy-compliant and is considered acceptable.

#### Cllr Smaje comments

Cllr Smaje has noted that her earlier comments (of 15/12/2019) were not included in the summary at paragraphs 7.7 to 7.9 of the committee report. These comments were as follows:

*Planning Statement – the plans are not backed by the Heritage Impact Assessment as claimed. The Heritage Impact Assessment [[https://www.kirklees.gov.uk/beta/planning-policy/pdf/examination/local-evidence/CD88 Heritage Impact Assessment H531 Land adjacent to East Bierley Recreation Ground.pdf](https://www.kirklees.gov.uk/beta/planning-policy/pdf/examination/local-evidence/CD88_Heritage_Impact_Assessment_H531_Land_adjacent_to_East_Bierley_Recreation_Ground.pdf)] carried out for Kirklees – not the developer – when the land was allocated under the Local Plan quite clearly shows the access to the site as being from the bottom of the site, not from Soureby Cross Way as the plans submitted. The proposed access impacts on existing properties as well as some of the heritage assets of the village. It will also put extra traffic directly into the centre of the village instead of spreading it using a different access. The document states that the site lines are not to standard, we haven’t it would seem had enough reported accidents at that junction for it to affect the development. Surely by putting more traffic on a junction with site lines that are not to standard is only putting in place conditions for accidents to happen. The proximity of the school and parking should not be disregarded.*

*In the heritage statement produced for the council it states: “Any development in an area of moderate significance needs to be in keeping with the scale, height, massing and alignment of the historic buildings in the vicinity with particular attention paid to the immediate setting of the heritage asset. The design should seek to make use of traditional or sympathetic building materials and techniques and the proposed use of the buildings in should respect the traditional character of the setting of the adjacent heritage asset which is in this case is set out in the East Bierley Conservation Area Appraisal”.*

*The document provided by Rouse claims that the development would cause less than substantial harm, where the council's assessment indicate a moderate significance to historical buildings that needed to be mitigated. How does this development mitigate this, by putting more vehicles so close the historical assets? The scale and height of the development needs to be considered in relation to the gradient of the land.*

*Consultation – They claim they have taken into account feedback provided; however, they have completely disregarded the comments and concerns raised with them.*

*In the Design and Access Statement local view 4 on page 9 is in Birkenshaw – not East Bierley.*

*The Transport Statement shows a widening of Soureby Cross Way and discusses parking within the development. What it does not discuss is that if Soureby Cross Way is widened then parking for existing properties will be lost. How is this to be replaced?*

### Highways

The applicant has submitted further swept path analysis (for an 11.85m refuse vehicle) which suggest amendments to the curtilages of some plots would be necessary. These changes would be minor in scale, would not affect the numbers of units (or significantly reduce the outdoor amenity spaces of units), and would not warrant further public consultation, therefore it is recommended that this matter be delegated to officers to resolve at conditions stage. Highways Development Management officers are satisfied that this matter can be addressed via an appropriately-worded condition.

Further to paragraph 10.67 of the committee report, Highways Development Management officers have advised that in terms of additional traffic generation the increase in unit numbers from 42 to 46 would result in potentially two to three additional two-way movements at peak times, which Highways Development Management would not consider significant.

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**Planning Application 2019/90467**

**Item 10 - Page 127**

**Conversion of former college buildings into 33 apartments including demolition of link canopy, partial demolition of link building, erection of additional storey to link building, and internal and external alterations (Listed Building within a Conservation Area)**

**Highfields Centre, New North Road, Huddersfield, HD1 5LS**

### Section 106 agreement

The applicant has agreed the Heads of Terms listed in the committee report.

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**Partial demolition and adaptation of units 01 and 03, erection of 10 industrial units for B1c, B2 and B8 uses, formation of car park for 46 no. vehicles and alterations to access**

**Units 01 and 03, Meltham Mills Industrial Estate, Knowle Lane, Meltham, Holmfirth, HD9 4AR**

Delivery hours

The applicant has agreed to the delivery hours specified at paragraph 10.16 of the committee report.

Employment numbers

The applicant has provided more information regarding anticipated employee numbers of the proposed development, stating that full-time jobs would number around 30 to 40. This figure is based on the existing small units (and their tenants) at Meltham Mills, mainly in D block – these units range from around 300sqft to 2,000sqft in size (and therefore are similar in size to what is proposed under the current application) and have between one and six employees each.

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