

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

16 SEPTEMBER 2020

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#### Item 8 – Page 13

**Council stance on the Department for Transport draft order: Y&H/4337 – Proposed stopping up of highway at Holmfirth footpath 60, Wolfstones Road, Holmfirth, HD9 3UU. Town & Country Planning Act 1990, Section 247**

The Council has received the following statement:

“Peak & Northern Footpaths Society.

Peak & Northern support the officer recommendation and ask members of the committee to vote in favour of objecting to the section 247 order diverting Holmfirth Footpath 60. This would be in line with the Huddersfield Planning Sub Committee decision of 30th January 2020.

We ask the committee to note that on site Footpath 60 is now partially obstructed having being confined to a 1.3-meter width. Previously the used width of the path at this point was over 3 meters wide on the ground and shown as such in enclosure records dated 1826. The Society request that Kirklees take steps to correctly record the full width of Footpath 60 on its Definitive Map and Statement.”

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#### **Planning Application 2019/93550**

#### **Item 9 – Page 37**

#### **Erection of 250 dwellings**

**Land east and west of, Netherton Moor Road, Netherton, Huddersfield, HD4 7JF**

#### Amended recommendation

The recommendation is amended as follows to reflect an increase to the contribution towards the delivery of the proposed core walking and cycling network within the vicinity of the site (the Meltham Greenway):

**RECOMMENDATION:**

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

1. Affordable housing (50 dwellings on-site as per the submitted layout with a tenure split of 28 social or affordable rented dwellings and 22 intermediate dwellings)
2. Education contribution towards primary provision (£617,768)
3. Off-site open space contribution to upgrade existing facilities in Netherton (£243,096)
4. Sustainable travel fund including a contribution towards the provision of two bus shelters (£153,875)
5. Travel Plan monitoring fee (£15,000)
6. £125,000 contribution towards the delivery of the proposed core walking and cycling network within the vicinity of the site (the Meltham Greenway)
7. Maintenance and management arrangements for the areas of public open space and landscaping within the site and any other areas not falling within private curtilage
8. Future maintenance and management arrangements for the surface water drainage infrastructure within the site

In the circumstances where the S106 agreement has not been completed within 3 months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

**Drainage:**

Paragraph 10.65 of the committee report refers to some further technical information being required for the design of the surface water system to address a concern with potential surcharging. Additional information has been provided by the applicant and Kirklees Lead Local Flood Authority (LLFA) have confirmed that this matter has been satisfactorily addressed. The detailed soakaway design is controlled through planning condition, which will be discharged in consultation with the LLFA.

**Meltham Greenway Contribution:**

The Meltham Greenway forms a proposed core walking and cycling route within the Local Plan. The route connects Meltham and Lockwood and passes through Netherton. It is therefore within relatively close proximity to the site and there are good existing connections between the site and this proposed walking and cycling route.

Policy LP23 of the Local Plan specifically relates to the core walking and cycling network. It states that "Where there is an identified need, extensions or enhancements to the existing network can be secured through scheme design, planning conditions and planning obligations if this does not prejudice the overall viability of the development."

Policy LP20 of the Local Plan promotes sustainable travel and states that “The council will support development proposals that can be served by alternative modes of transport such as public transport, cycling and walking and in the case of new residential development is located close to local facilities or incorporates opportunities for day to day activities on site and will accept that variations in opportunity for this will vary between larger and smaller settlements in the area.”

The Local Plan therefore promotes the securing of contributions towards the core walking and cycling route and this is further supported by the principles of sustainable development as set out in the National Planning Policy Framework. The applicant initially agreed a £50,000 contribution towards the Greenway as part of their package of sustainable travel measures.

Officers asked the applicant to reconsider the proposed level of contribution given the scale of development proposed and having regard to other recent planning applications where Greenway contributions have been secured. Officers are of the opinion that a contribution of £500 per dwelling represents an appropriate benchmark.

In response to this, the applicant has increased the proposed Greenway contribution to £125,000, which equates to £500 per dwelling. This would be secured through the Section 106 agreement (subject to anticipated costs being provided by the Council) with the money paid at an agreed trigger point.

#### Public Rights of Way:

The Public Rights of Way Officer has provided comments on the proposed layout.

It has been recommended that a condition is imposed regarding the submission of a detailed scheme for the provision and retention of the proposed footpath connections within the eastern part of HS21.

A condition has also been recommended for the submission of a scheme for the provision and retention of a cycle link from the proposed estate road network to Hawkroyd Bank Road within HS21. This could potentially be a direct straight line link from the end of the estate road to the eastern boundary of HS21 or by re-design of one of the proposed footpath links referred to above.

The PROW officer also requests a specific condition requiring details to ensure the provision and retention of public access routes within the site for pedestrians and cyclists to the proposed areas of public open space. This is to avoid potential issues with access rights over unadopted roads/land.

At the western end of the development a knee rail fence is shown across the whole of the turning head’s western edge which would inhibit appropriate access to the public open space. This feature is common across the whole development and it is recommended that the issue of access to the public open space is addressed through a planning condition to ensure that appropriate gaps are provided within the fencing.

The aforementioned conditions are considered to be necessary. The conditions will facilitate the Council's aims to promote walking and cycling as well as appropriate access and usability of the proposed public open spaces.

The PROW officer also supports a contribution towards the Meltham Greenway.

#### Representations:

An additional 13 representations have been received. The representations do not raise any new issues over and above those that have been summarised within the main report.

It is to be noted that the representations include a detailed comment on the proposed soakaway system. This has been reviewed by Kirklees Lead Local Flood Authority and it does not alter their assessment of the application.

A representation has also been received which states that the committee report contains incorrect statements. The committee report refers to existing dwellings backing onto the site; this is challenged on the basis that existing bungalows have their main living space looking onto the site. Officers recognise that the properties in question have main habitable windows facing onto the site although these are within rear elevations as opposed to what would be classed as their principal elevation in planning terms. As such referring to properties backing onto the site is not incorrect

The representation also takes issue with the bungalows adjacent to the north western boundary being referred to as houses and the impact of the garages on these bungalows. The impact of the garages has been addressed within the main report and the reference to 'houses' includes all existing dwellings, whether they be single or two storeys in height.

#### Report corrections:

Within the residential amenity section of the report existing adjacent residential development is referred to as being to the north eastern boundary of the application site. This should read to the north western boundary, as per the site description at section 2.

Paragraph 10.7 refers to the requirement to provide a buffer zone to the east of HS19 to mitigate the impact on the ancient woodland to the east. This should read a buffer zone to the east of HS21.

The same paragraph refers to a known flood route stemming from the northern boundary of site HS21 which should be kept free from development. The flood route referred to relates to HS19. The proposed layout provides for this.

**Reserved matters application pursuant to outline permission 2016/92298 outline application for redevelopment of former waste water treatment works following demolition of existing structures to provide employment uses (use classes B1(c), B2 and B8) (Phase 1) to include the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 19 (PROW), 29 (Noise attenuation) and 31 (Electric vehicle charging points).**

**Former North Bierley Waste Water Treatment Works, Oakenshaw, BD12 7ET**

Amended Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete a list of conditions, including those contained within this report in respect of the Reserved Matters pursuant to Phase 1 of the outline permission (2016/92298) and the discharge of Conditions 6 (BEMP), 17 (Site investigations), 18 (Tree Survey), 29 (Noise attenuation) and 31 (Electric vehicle charging points).

Condition 19 (PROW)

Following on-going discussions between the applicant and the Council's Public Rights of Way Officer, it has been determined that additional details are still required in order to fully discharge Condition 19 (Public Rights of Way) of the outline permission (2016/92298). Whilst this Reserved Matters application indicates the location of the PROW on its existing alignment, adjacent to the new access road, which is acceptable in principle, further detailed information is still required. This includes long-sections of the PROW in relation to the new access arrangements and clarification on drainage of the PROW.

PROW Officers have queried whether an additional condition could be attached to the Reserved Matters consent to require the submission, agreement, implementation and retention of a scheme of works for the protection and appropriate provision for the public right of way and appropriate public access. However, this is, in effect, already required by Condition 19 on the outline planning permission, which specifically requires details for the treatment and enhancement of the existing PROW. Condition 19 also states that no part of the development shall be brought into use until the works to the PROW to be agreed have been completed, to ensure that they are undertaken in a timely manner.

Members are therefore advised that Condition 19 is to be omitted from this application. It will be determined as part of a separate discharge of condition submission. Consequently, the recommendation for this proposal should be amended as shown above:

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