

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

28 October 2020

Planning Application 2019/93246

Item 7 – Page 5

Installation of 2 fibre cabins, twelve air conditioning units, two generators and perimeter fence

Land to the south of Jack Lane, Dewsbury, WF17 6JT

Representations

A representation was received on 20 October 2020 in relation to this application which states the following:

- Request withdrawal of the planning application as the local community has not had time to consult or respond to representatives during the pandemic and this is an important point of concern
- The mast will cause fear and anxiety in the local community due to concerns over health impacts and the mast will also affect the visual aspect of the area
- Many doctors and scientists worldwide believe there is a very real and significant risk to the general health of the public, wildlife and the environment
- The mast will materially prejudice views within the community
- This installation will also cause a significant depreciation in the value of neighbouring properties

Officer Response

- The application was publicised by site notice and neighbour notification letters at the time of its submission in 2019.
- The development does not relate to the installation of a mast; permission is sought for the installation of 2 fibre cabins, air conditioning units, generators comprising a data centre to provide high speed full fibre broadband, and not a 5G telecommunications mast
- The impact of the development on residential and visual amenity is considered to be acceptable
- The devaluation of property is not a material planning consideration which can be taken into account in the assessment of planning applications

Erection of restaurant/café/bar, six guest rooms, exhibition/interpretation room, WCs, terrace, car parking and ancillary accommodation (within the curtilage of a Listed Building)

Victoria Tower, Lumb Lane, Castle Hill, Almondbury, Huddersfield, HD4 6TA

Representations

Cllr Lee-Richards commented as follows:

Please note that I would like to object to this application on the grounds that this a green field site of very special significance and that the application fails to meet a number of the NPPF guidelines.

I would like my objection noted as I was not aware that there was deadline for objecting before the meeting of the Strategic Planning Meeting of the 28/10/2020.

Cllr Munro has provided further comments as follows:

I have received an independent assessment of the highway and parking at Castle Hill. While I am unable to reference the professional source, I felt I should pass the comments to you as follows:

Existing Road Network

Visibility at the junction between Castle Hill Side and Ashes Lane is severely substandard (serious collision occurred in 2019) – intensification of use of the junction could increase the likelihood of accidents

Castle Hill Side contains substandard width, the proposed passing places would not allow for a service vehicle to pass a car – this would lead to reversing movements increasing the risk of a reversing service vehicle colliding with a vulnerable road user as no footways are provided

Visibility and geometry of Castle Hill Side junction with Lumb Lane is poor. 2 collisions have occurred in the vicinity of the junction – intensification of use of the junction could increase the likelihood of accidents

Forward visibility around the two bends (the bend adjacent to the crossing and the bend prior to the car park) is severely substandard – intensification of use of the road could increase likelihood of a vehicle colliding with another vehicle or vulnerable road user

Traffic Predictions

The provided traffic generations have been determined from the TRICS database. This is not representative, with 1 site selected for comparison for the hotel, and 2 site selected for the restaurant traffic. The range of TRICS surveys are not relevant to the proposed size of restaurant.

15% reduction in trips is assumed as a result of pass-by trips. This has not been fully substantiated anywhere in the submission documents.

Car Park Size

The accumulation survey to determine parking is based on TRICS data. How can the predicted parking accumulation be accurate given the sites selected in the TRICS database?

There are fundamental issues with the submission and it appears that the highway and traffic impact elements of the proposals have not been fully presented or considered.

A resident has raised the following points and questions:

- 1) How times a month they would intend to host events, with an extended licence for late socialising? And when they were having an event, would the public even be able to access the restaurant? When they last had the pub up there, most weekends in the summer seemed to have a late night event and my children struggled to get to sleep with the level of noise spilling down the hill. And the litter was dreadful.*
- 2) If they are going to have subterranean bedrooms, does that mean that the public would be banned from walking along the hill at the best viewing site? The view over Huddersfield?*

The applicant has not specified the intended frequency of events at the site, and a condition restricting the use of the proposed development for wedding receptions and functions is recommended in any case. Management of the site's different user groups would need to be set out in the management plan to be secured via a recommended Section 106 agreement. Licensing of the premises is not a planning matter – this is dealt with under separate legislation. Recommended condition 14 would restrict the opening hours of the restaurant/café/bar – officers suggest a closing time of 23:00 would be appropriate.

Members of the public would not be excluded from the hill, and public access would be maintained to areas (close to the proposed guest rooms) where westerly views can be enjoyed.

The following questions have also been submitted in further representations (including from the Huddersfield and District Archaeological Society):

- 1) Do you consider the benefits, which are described as both exceptional and meeting very special circumstance but also as limited, an alternative or already installed, (see item 10.18), are sufficient justification for building a hotel and restaurant/cafe on a green belt site,*

- the summit of an ancient hill-fort and alongside an iconic listed grade 2 tower, given that they could be considered to make a mockery of green belt restrictions on development proposals?*
- 2) At what point has the applicant or indeed officers justified the need for the building of a hotel and restaurant/cafe with an additional room on the summit of the hill, as opposed to a site below or nearby, given that no other similar sites mentioned in the UK possess such a structure, despite any misleading wording in item 10.14?*
 - 3) Given that the proposal issued in the public report pack, as well as in the planning application document relies heavily on aspirations and contains unsubstantiated assertions e.g.10.53, 10.19 and 10.26/ contains potentially misleading information e.g. 10.42/ contains problems e.g. 10.59, 10.83, 10.85, 10.95 and 10.128/ lacks adequate detail e.g. 10.19, 10.22, 10.24, 10.28 and even omissions e.g.10.24, 10.29,10.71, 10.76 and 10.134, to list just a few, would you consider this proposal/application to be flawed. and therefore inappropriate for officers to have given it there approval and recommendation?*
 - 4) Since the Head of Planning and Development has made the decision not to refuse this application for a hotel and restaurant/cafe on green belt land on an ancient monument, despite the since Section 106 agreement not being completed within the time period stipulated, and officers have recommended the proposal despite public objections by a vast majority. The previous rejections by the Council and the proposal containing significant problems/ omissions/lack of detail/and unsubstantiated aspirations, should the elected members now decide to take back control and finally reject the application and block all future applications , and if not why not?*

Most of the above points are addressed in the assessment set out in the committee report. Concerns are raised in relation to specific paragraphs, however the concerns haven't been explained, therefore officers cannot provide responses. Regarding question 4, elected Members will indeed determine the current application.

Heritage assets

A revised Heritage Assessment was submitted by the applicant on 22/10/2020. This document now refers to the current proposals. In its assessment chapter, the document lists public benefits of the proposed development, argues that harm caused by the development would be minimal, and concludes that a case for approval has been made.

The revised Heritage Assessment was forwarded to Historic England, and officers additionally explained to Historic England how the public benefits of the development are proposed to be secured via a Section 106 agreement. On 27/10/2020 Historic England responded as follows:

I can confirm that we have considered the additional information, but it does not change our position about the need to define and secure public benefits. Therefore we are content to maintain the advice and recommendation made to your authority in our advice letter of 15/10/2020.

Public Rights of Way

Further to paragraphs 10.104 to 10.107 of the committee report, the applicant has engaged with the council's Public Rights of Way (PROW) team, to address concerns that the proposed development would obstruct footpath 169 and byway 171. A site plan ref: 3287 (SK) 48 was submitted, showing parts of footpath 169 and byway 171 (along their recorded alignments) annotated to be stopped up, and proposed new public footpath alignments, one shown following an existing non-definitive path (i.e., routes that are not recorded in the definitive map and statement) and running along the edge of the proposed car park, and one running to the east and north of the proposed building via non-definitive paths. In response to this plan, on 26/10/2020 the council's PROW team advised:

If an appropriate plan [3287 (SK) 48] is submitted to the LPA in this application, and the formally submitted main site block layout is also amended and submitted to reflect the changes therein, at the western and eastern corners of the car park (i.e. respectively the wall/banking changed near PROW drawing point D, and identifying that access to path entrance to remain unobstructed i.e. it is not a car parking space) then PROW would likely withdraw its objection if there are appropriate conditions and footnotes proposed to be included, relating to the PROWs, PROW processes, and mitigation.

PROW notes and would wish to bring to committee's attention that the development is likely to bring negative effects on the use of the byway HUD/171 by walkers, cyclists and equestrians, due to the intensification of use by motor vehicles of this substandard access. This is only partly reduced by the proposal for two passing places. Further mitigation could be in the form of requiring appropriate guidance, signing and marking, and should be considered in detailed schemes. It is for determining authority to consider this likely negative effect on PROW users and the public against any expected benefits of the proposed development.

The council's PROW team also recommended that a condition be applied, requiring the submission of a scheme for the treatment of PROWs.

On 27/10/2020 the applicant provided further drawings which address the main concerns relating to PROWs. It is recommended that these drawings be approved, and that a condition be applied requiring full details of a scheme for the treatment of PROWs. This condition would also secure measures to ensure the space in the east corner of the proposed car park (annotated "access path entrance to carpark to remain unobstructed" on drawing 3287 (SK) 48) is not used for parking. It is further recommended that the previously-recommended condition regarding the passing places and traffic calming (condition 8 in the committee report) be expanded to require measures to address the PROW team's concerns regarding byway HUD/171.

The council's PROW team have confirmed that they are content with the above approach.

Of note, although the car park shown on the applicant's latest drawings is still annotated "42 Spaces", one space would be lost in ensuring the space in the east corner of the proposed car park is not obstructed. This loss of one space, however, is not considered significant.

Public benefits

Further to paragraph 10.18 of the committee report, to enhance the proposed development's public benefit offer, it is considered appropriate to secure public use of the proposed interpretation room (without charge) between the hours of 09:00 and 21:00 Monday to Friday, and by appointment at other times. This is considered appropriate, given the range of groups who are likely to wish to use this facility.

Consultation

The recent additional drawings and information detailed above did not necessitate reconsultation.

Planning Application 2019/92787

Item 10 – Page 91

Erection of 280 dwellings with open space, landscaping and associated infrastructure

Land at Owl Lane, Chidswell, Dewsbury

Representations

On 26/07/2020 Cllr Lukic commented on the application. These comments were omitted from the committee report in error. Cllr Lukic commented as follows:

I object to this application in its current form due to an issue I have previously raised informally regarding the proposed spine road paths.

The application is not compliant with Local Plan Policy LP20 as it does not encourage cycling. The proposed spine road paths are discontinuous, so cycles proceeding straight on the spine road paths are forced to stop and give way at side street entrances to private vehicles turning in or out. In Policy LP20 cycles are clearly above private vehicles in the user hierarchy, but this proposal encourages the use of private vehicles by giving them inappropriate priority and is therefore not acceptable from a policy perspective.

For the same reason I would argue the application is not compliant with Local Plan Policy LP21 because a discontinuous path is not an effective or safe means for cycles to access the development.

This spine road will form a cycle route between Dewsbury and Leeds. The paths need to run continuous across the side road entrances and vehicles

turning in and out of side roads should give way to cycles proceeding straight on. This is part of the design standard for main cycle routes in West Yorkshire such as the Leeds-Bradford City Connect scheme.

I would also argue that separate paths should be provided for cycles and pedestrians as is seen along the City Connect route.

In adopted policies the council wants to encourage walking and cycling and we should be ensuring we get a cycle superhighway-style design for this main link in the cycle network.

Just to add, I have also noticed that there is no safe crossing for cycles at the entrance to the spine road from Owl Lane, this junction needs to be made a safe design for all users.

On 20/10/2020 Cllr Lukic provided further comments as follows:

As this objection has unfortunately been missed and these specific points not addressed in the report I would be grateful if an update can be provided to the committee prior to the meeting, including my objection and an officer response. I can see two possible resolutions although there may be others:

- Recommend further conditions so that development does not commence until the cycle provision along the spine road and across the new roundabout are redesigned to be fully compliant with LTN 1/20.*
- Or recommend deferral of the decision until the cycle provision has been redesigned.*

As noted in the committee report, along the spine road the applicant proposes 3m wide shared cycle/footways, separated from the carriageway by a soft landscaped verge. No policies in the Local Plan or guidance in the council's Highway Design Guide SPD require the provision of separate cycle ways and footways or full compliance with LTN 1/20 (Department of Transport guidance on Cycle Infrastructure Design), and having regard to the available space within the application site, the proposed shared arrangement is considered acceptable. Of note, the proposals would segregate cyclists and pedestrians from the spine road's vehicular traffic, which would ensure much safer travel for those more vulnerable road users. Regarding the continuation of the cycle/footways at the edges of the site and across side street entrances, this matter can be addressed at conditions stage, along with the details required of the development's internal adoptable roads. A variety of measures can be used to ensure continuity of cycle routes and priority at crossovers is provided, including signage, road markings and continuous road surfaces. Subject to all other relevant considerations, such measures may also be appropriate for the cycle lane linking the site to Challenge Way, referred to in the recommended Section 106 Heads of Terms.

Details of spine road crossing points would also be provided at conditions stage, along with the details required of the development's internal adoptable roads.

Unit size and tenure mix

Further to paragraph 10.55 of the committee report, on 22/10/2020 the applicant submitted an amended unit size and tenure mix. 280 units are still proposed, and 56 of these would still be affordable (representing a 20% provision). Within that provision, 75% (42 units) would be for Discount Market Sale, while 25% (14 units) would be for affordable rent. Of the 56 affordable units, 38 would be apartments, and 18 would be houses. Of those 38 affordable apartments, 24 would be for Discount Market Sale, and 14 would be for affordable rent.

As stated at paragraph 10.57, a 55% social or affordable rent / 45% intermediate tenure split is normally required within affordable housing provisions, however flexibility can be applied in light of material considerations. In this case, having regard to the headline 20% affordable housing figure, the significant Section 106 obligations required, and the applicant's commentary regarding viability (as noted at paragraph 10.55, although it remains the case that no financial viability appraisal has been submitted), the proposed tenure split is considered acceptable.

The amended unit size and tenure mix helps to address concerns (set out at paragraphs 8.12 and 10.54) that the development's affordable units would be easily distinguishable from the private units. It remains the case that all of the development's apartments would be affordable (not counting the seven private "Alverton" units, which are flats over garages), however as noted above these 38 affordable apartments would include a mix of tenures. The number of affordable houses has increased from 10 to 18 in the latest amendments, which would also help to blur the distinction between tenures and unit types.

Unit sizes

Further to paragraph 10.47 of the committee report, the applicant has provided a full schedule of accommodation, including unit sizes for all unit types. This confirms that, using the lowest resident numbers set out in the Government's Nationally Described Space Standards (March 2015, updated 2016), 28 of the affordable units would be compliant (28 would not be), and 73 of private units would be compliant (151 would not be). Overall, 179 of the 280 proposed units would not be compliant with the Government's standard. This is regrettable and attracts some negative weight in the balance of planning considerations, however it is again noted that the Government's standards are not adopted planning policy in Kirklees, and refusal of permission on these grounds is not recommended.

Amended drawings

An amended layout (rev J), showing acceptable adjustments to the proposed layout, was submitted on 22/10/2020. A full set of house type plans and elevations was also submitted, along with computer-generated images of the proposed development. These show acceptable detailed designs of the proposed buildings, and acceptable street scenes, confirming that the assessment set out at paragraph 10.18 onwards of the committee report still applies.

Highways and transportation

The above-mentioned amended layout also adjusted the alignment of the east end of the spine road, where it would meet Chidswell Lane. This adjustment is considered acceptable, and the Church Commissioners for England (the adjacent applicants) have confirmed they are comfortable with the proposed spine road geometry, its alignment with the access to site MXS7, and the applicant's commitment to build the spine road to the public highway on Chidswell Lane.

A detailed plan of the spine road / Chidswell Lane junction has not yet been submitted. It is recommended that officers be authorised to secure this drawing prior to the issuing of the council's decision, if it is not provided by the applicant prior to the committee meeting.

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