

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

#### PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

14 OCTOBER 2021

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Planning Application 2021/91871

Item 8 – Page 11

**Erection of residential development (55 dwellings) including access and associated infrastructure**

**Land adj, High Street and Challenge Way, Hanging Heaton, Batley**

Applicant response to concerns over report validity

Public representations have raised concerns over the validity of the surveys and subsequent reports. As reported in the agenda, the methodologies undertaken have been assessed by the relevant internal consultees and deemed to be acceptable, giving due regard to constraints imposed by lockdown and best practice / national guidance per discipline. Notwithstanding this, the applicant has provided the following overviews:

*Noise*

*At [the time of the survey], there was no guarantee that previously undertaken activities would mean a return to pre-2020 levels. Many companies are choosing to adopt flexible working from home policies that have recently been proven viable. Additionally there has been a noted increase in residential house moves away from the urban and suburban locations which could in turn mean changes in expected volume through A-roads and usual high-traffic commuting routes. Both of which could contribute to a quieter ambient noise environment along with additional potential factors.*

*Joint guidance by the IoAand ANC had recommended that ‘In any event, and, crucially, as long as it is safe to do so, this guidance recommends that, wherever possible and relevant, site survey measurements of the existing noise climate continue to be the default position for obtaining baseline sound level data... Furthermore, the prevailing sound environment must be reasonably representative and not affected by local restrictions... Nevertheless, this guidance reiterates that, as for any sound survey, it remains the responsibility of the organisation or individual undertaking the work to describe the local sound environment and comment on its typicality, highlighting any potential factors which could affect its use in subsequent assessments.’*

*In the interest of allowing such acoustic investigations to progress during the national climate in 2020-2021, noise surveys were still to be undertaken in line with national guidance. The FES Group opted to delay the undertaking of surveys in circumstances such as mid 2020 with the majority remaining at home during periods of national lockdown that were deemed to be non-representative of a typical noise environment, but have since operated at our own discretion when noise sources are assumed to be as usual as could have been expected, such as in periods of relaxation such as March 2021.*

*During the time of the survey the acoustician noted through traffic, resident walkers, tradesmen operating on nearby property and schools were back in full attendance since 2 days earlier on the 8th March 2021. We are happy to confirm that the undertaken noise survey data should accurately represent a typical noise environment at the proposed development.*

## *Highways*

*The site access and traffic impact has been assessed based on the traffic flows on Challenge Way originally surveyed in June 2017. This is because the traffic patterns at the time of lodging the application were affected by Covid-19.*

*The 2017 traffic data has been brought up to date using growth factors derived from TEMPro 7.2 for the local area. These have inflated the 2017 traffic flows by almost 5%.*

*These flows, plus the TRICS analysis which predicts the traffic generated by the development, together they have been used to determine the site access capacity. These figures have been growthed to 2026, again using TEMPro, this reflects the timescale to undertake the development constrained by the life of the planning consent.*

*Separately a traffic speed and volume survey was undertaken in August 2021, the speed element from this survey was used to determine the visibility splays at the site access. This survey was not used to assess the capacity and design of the site access.*

*The only use that was made of the August 2021 traffic volumes, was to increase the TEMPro adjusted 2017 survey to all-day traffic flows. All day (AADT) flows are needed for noise and air quality calculations. The adjustment of the 2017 flows was necessary because the 2017 survey only surveyed a limited number of hours, focused around the morning and evening peaks. Therefore, to convert the 2017 peak flows to all day flows, a simple pro-rata increase to the 2017 flows was undertaken using the 24-hour August 2021 surveys.*

*Therefore, the approach to traffic analysis follows long standing national practice and removes Covid-19 impacts from the traffic flows used, by using inflated pre-Covid-19 traffic data. In reality, if there is a longer-term trend to homeworking, at least on an ad-hoc basis, these flows will represent a higher than likely position.*

## Archive files

As set out at paragraph 10.92 on page 40 of the main agenda, officers have reviewed the historic files pertaining to applications:

- 89/06321
- 89/06322
- 89/06323

These applications approved (at outline) the construction of Challenge Way, other associated highway works and the use of nearby land as B1, B2 and B8 employment uses. However, it should be noted that the subsequent application 91/00742 for full permission 'superseded' them in the approval of the road improvement / new link road.

Notwithstanding the above, as the 1989 permissions granted the original principle of development, the following are observations following review of the files.

The report concludes that the installation of the new link road (Challenge Way) would result in a net reduction in noise pollution on High Street due to diverting traffic away from it (anticipated as a 60% volume of traffic at the time). The Environmental Protection department did raise concerns of noise pollution; however, this is specifically stated to refer to properties on Grange Road; the site does not sit between Challenge Way and Grange Road and will not impact upon them. The only identified commentary on air pollution relates to emissions from the approved B1, B2 and B8, uses as opposed to road emissions.

Whether the trees in question were debated at the planning committee is unknown. The minutes for the meeting have not been accessed. However, the minutes will only provide a summary of the decision and are not a verbatim record of the debate, which we can gather from the decision notice.

No conditions were imposed on any of the 1989 permissions relating to the provision or retention of the trees in question. It should be noted that the subsequently approved 91/00742 was a full application which 'supersedes' the decision of the 1989 approvals. Application 91/00742 did have an additional condition requiring a landscaping plan be submitted, however the reason for this is given as 'in the interest of visual amenity', with no reference to noise / pollution.

Regardless of the above, each application must be assessed on its own merits, against current local and national policy and guidelines. Ultimately officers are satisfied that the creation of the access, requiring a limited clearance of trees, will not result in harmful air or noise pollution to residents on High Street (or future occupiers of the proposed development).

## Drainage

Paragraph 10.61 on page 34 of the agenda notes a minor concern over the flood routing plan. It is stated that this may either be addressed via an amendment prior to committee or via a condition, and that it would be confirmed within the update. This will be addressed via a condition.

## Correction(s)

Within the responses to public representation's, specifically those which fall under 'design and amenity', the response states that the matters raised are addressed within paragraphs 10.85 – 10.90. This should read 10.12 – 10.40.

Within paragraph 11.2 the final sentence states 'To seek a higher density that that proposed'. This should read 'To seek a higher density that that proposed would not be appropriate giving due regard to the site's constraints'.

Draft recommended condition 6 states 'stone boundary wall to be'. This should read 'stone boundary wall within the site to be retained'.

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### **Planning Application 2020/94055**

**Item 9 – Page 47**

#### **Erection of 7 dwellings and associated access works**

**Land opposite, 4, Coalpit Lane, Upper Denby, Huddersfield, HD8 8UF**

#### **PUBLIC/LOCAL RESPONSE**

The consultation period ended on 8<sup>th</sup> October 2021.

No further representations were received by the Local Planning Authority.

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### **Planning Application 2020/93471**

**Item 10 – Page 57**

**Discharge condition 40 on previous permission 2015/90201 for variation condition 3 (plans) on previous permission 2014/90780 for erection of 206 dwellings, formation of community and sports facilities comprising floodlit practice rugby pitch, 2 floodlit multi use games areas, public open space, footways/cycleways, car parking and associated landscaping for phase 1 of the development (64 dwellings)**

**Dewsbury RLFC Ltd, The Tetley Stadium, Owl Lane, Shaw Cross, Dewsbury, WF12 7RH**

#### **PUBLIC/LOCAL RESPONSE**

Three further representations have been received in objection to the application since publication of the agenda. These re-iterate concerns which are already included and addressed within the report

**Erection of detached garage with first floor storage**

**20, Steanard Lane, Mirfield, WF14 8HB**

**WARD MEMBER RESPONSE**

Councillor Vivien Lees Hamilton has provided additional comments as follows:

*“I email in support of the above planning application. I have included in this email three pictures from the property, they show the current location of the stables and the distance from the house of the proposed development. I do not believe that the proposal will have a negative impact on the main house nor will it affect the listed status of the house due the distances between the house and the proposed development. If the stables do not have a negative impact on the house then neither should a detached garage.*

*There have been no objections from neighbouring properties and highways development management have no objections. I understand that the stables are noted as being in flood zone3 but yet they have not suffered from flooding. I have visited this property during times of extreme rainfall and flooding from both the river when it rises over Steanard Lane and also when the mill race comes pouring down from the surrounding hills. It did not cause any flooding near to the area where the stables are currently sited.*

*The stables are currently built on a concrete block so should the application be granted this will not add to any future flooding, nor will it affect the ability of the land to soak up any excessive rain falls.*

*Currently the stables are disused and are not being used for livery purposes, there is no nearby available grazing land either.*

*Although the proposal is slightly larger than the existing stables and is in the green belt the stables are not currently in use, and the only purpose they could possibly serve would be for livery, nothing else.*

*The stables in their current state cannot be used or repurposed for the garaging of vehicles, nor could they be used to safely store any necessary garden equipment, nor can they be repurposed for additional storage needs, therefore I believe that this application does warrant the special circumstances provision for development in the green belt.*

*A detached garage would provide the house with somewhere to safely garage vehicles, and as to the addition of dormers and storage space above the proposed garage, I have Velux windows in my roof space as the whole area of my loft is used for storage. We all seem to need storage space. This is not an application to create an additional dwelling.*

*This application does not contribute a detriment to residential amenity.  
Highways do not object to this proposed development”*

**Officer Response:** The site forms part of a historic farmstead dating from the 18<sup>th</sup> century, comprising farmhouse and barn. Paragraphs 201 and 202 of the NPPF require clear and convincing justification for any harm to designated heritage assets to be weighed against the public benefits of the proposal. No justification has been provided for a building of this scale and no public benefits have been demonstrated.

Whilst flood risks have been considered by the applicant, this does not negate the contravention of flood risk policy. The proposed building would be located partly in Flood Zone 3b and zone 3ai. Flood Zone 3b is functional floodplain, where only water compatible uses and essential infrastructure can be considered.

The proposed building would be significantly larger both in footprint, height and massing than the existing stables and constitutes inappropriate development in the Green Belt for which no very special circumstances have been demonstrated.

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**Planning Application 2021/91659**

**Item 13 – Page 91**

**Erection of second floor extension**

**Heckmondwike Grammar School, High Street, Heckmondwike, WF16 0AH**

History of Negotiations

The case officer has been in negotiation with the applicant’s agent regarding the inclusion of a condition requiring the removal of the temporary classrooms prior to the occupation of the teaching space that would be provided by the new extension. The applicant’s agent has confirmed that they would be agreeable to this condition.

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