

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

21 OCTOBER 2021

Planning Application 2020/90640

Item 11 – 49

Formation of artificial grass pitch with associated features, including eight 15m high floodlights, fencing up to 4.5m, pedestrian circulation and access route, vehicular maintenance and emergency access with Springwood Road, erection of store, grass mounds, retaining structures and landscaping works

Holmfirth High School, Heys Road, Thongsbridge, Holmfirth, HD9 7SE

Holme Valley Neighbourhood Plan:

Since this planning application was presented to Strategic Planning Committee on 26th August 2021 the NP has progressed through the examination stage and is a material planning consideration for the purposes of decision making and weight has been attributed in accordance with the NPPF (July 2021). The NP does not yet form part of the development plan and does not carry full weight in decision making until the plan has been made.

Representations:

At the time of writing this Planning Committee Update, ten additional representations were received that were all objections. The redacted versions can be seen online.

One representative has also provided multiple objection correspondence with queries, reports, images and a petition. The agent has provided responses to the concerns raised, which can be found on the council's planning application website.

Summary of the concerns raised include:

- Potential antisocial behaviour issues, which currently exist with the current facility
- Increase in the number of footballs hitting parked cars, windows and doors, etc
- Unacceptable intensification of use and impact on residential amenity
- Current issues with Little Wembley, which this proposal will worsen
- Inappropriate scale of the floodlighting and fencing
- Visual impact of the proposal on the local and wider area
- Unacceptable light pollution impact
- Unacceptable noise pollution impact

- Inadequate local roads; traffic, parking and highway safety issues associated with the proposal
- Adverse impact on wildlife
- Unacceptable restriction on the field's community accessibility
- Adverse impact on the Urban Green Space
- Concerns regarding the proposed surface water drainage strategy
- Existing flooding issues, which this proposal will exacerbate
- Technical queries raised with regards to noise levels

The petition consisted of 76 names, signatures, addresses and contact details. The petition stated:

"We strongly object to the proposed AGP development at Holmfirth High School

The proposed AGP will be an eyesore in what is predominantly a residential area and it will have a detrimental impact for neighbouring properties in that it will negatively impact on noise and light pollution, traffic movement, volume and parking the overall open and natural feeling of the area and use by residents.

We would like you to reject these particular plans and work with local people to agree a better solution."

Cllr Patrick has provided the following email correspondence to officers and committee members:

"When this application was last at Committee very few residents knew about it. Now as you can see the residents who live on all the roads around the site know about it. If approved with the current proposals this will bring a great change to the lives of those residents, with football taking place every day of the week and most days until late. I have received a lot of emails from residents opposed to the plans. I had rather hoped that the deferral would have given the applicant and the Head Teacher the opportunity to look more closely at the impact of the proposals on the residents and to make changes, but that does not appear to have happened and I think that is a great pity. Now it is left to Committee and I hope when you make your decision you will give consideration to the residents who live around the site."

Cllr Firth has provided the following verbal comments:

- Was unaware the application was going to be presented at the next strategic planning committee.
- The proposal is within a residential area and in the wrong location. There will be noise, lighting and visual amenity issues.
- Local residents already suffer from nuisance, antisocial behaviour, traffic, parking issues associated with the school and the Little Wembley pitches, which this proposal will worsen.

Officer response: Officers note the Cllrs and residents' concerns in relation to the publicity of the strategic planning committee meeting.

Officers acknowledge the additional representations but consider that all of the issues raised have already been addressed within the committee report. The concerned consultees have been made aware of the latest representations and still raise no objections, subject to the necessary planning conditions.

One of the representations has raised specific technical queries regarding the applicant's noise report. It should be noted that it appears that the objector has commented on an historic version of the noise report found online. Nevertheless, specific comments have been received from KC Environmental Health in relation to these queries and these comments can be found online. The comments do not change the advice from council's KC Environmental Health department who advise no objections subject to conditions .

Receipt of additional information:

For the purposes of the planning committee meeting a car parking management plan drawing and further information has been provided by the applicant. This information can be found online and will be presented at the committee meeting.

Planning Application 2021/92801

Item 15 – Page 145

Erection of 284 dwellings with associated works and access from Hunsworth Lane and Kilroyd Drive

Land at, Merchants Field Farm, off Hunsworth Lane, Cleckheaton

Consultation responses:

Since the publication of the Position Statement, The Coal Authority has responded to the additional information provided by the applicant in respect of the mine shaft towards the western part of the site, which is close to the proposed access off Hunsworth Lane.

In summary, The Coal Authority raises no objection to the application subject to conditions.

The applicant has demonstrated that the proposed layout of development is such that no building plots or highway infrastructure would be located within the calculated zone of influence of the shaft in question, which would be accommodated entirely within a landscaped area.

The Coal Authority is satisfied that the applicant has undertaken an appropriate investigation across the potential departure distance for the shaft and has proven it to be absent from this part of the site. The area which has not been investigated and the potential area of instability associated with the shaft would largely fall outside the application site boundary. On this basis, the Coal Authority does not consider that it would be appropriate to require any further investigations or to require the incorporation of mitigatory measures to address ground movement associated with this shaft. Whilst the new junction/access road would lie beyond the zone of influence of the shaft, the applicant has indicated that vigilance will be maintained for any evidence

of a shaft during road construction. They have confirmed that in the unlikely event that such a feature is encountered during construction, it would be treated by means of capping.

Based on the information submitted and the professional opinions expressed, the Coal Authority considers that the risk posed by the shaft has been satisfactorily addressed.

The Coal Authority welcome the applicant's previously expressed intention to undertake remedial works to stabilise the identified shallow mine workings present within the eastern part of the site. The Coal Authority recommend conditions to secure the appropriate treatment of these features.

Additional information submitted:

The applicant has provided confirmation that all of the proposed dwellings meet Nationally Described Space Standards (NDSS).

The applicant has submitted an updated Flood Risk Assessment which reflects the proposed layout. Kirklees Lead Local Flood Authority has been consulted on this information and their response is awaited.

The applicant has also submitted a draft Section 106 Agreement. This includes 20% affordable housing provision on the site. The draft agreement does not specify figures for the financial planning obligations, but these would be sought in line with those set out within the Position Statement.

Representation:

Comments have been received from an objector for inclusion in this agenda update. The comments are provided here in full, with the exception of some minor changes made for conciseness. An officer response is provided at the end of each section.

"I will concentrate on the following topics. Flooding especially in regard to areas surrounding the site. Highway, Traffic and Access issues. Mining Legacy (and site instability). Ecology and Biodiversity.

Flooding:

There are four flooding risks pertaining to this site.

No flood risk assessment I have seen addresses the problems.

Kirklees Lead Local Flood Authority now require further and updated information. Have seen no further response to this.

Concern over Harron Homes willingness to uphold their legal responsibilities owing to episodes of road, garden, driveway and garage flooding this year. Cause was entirely due to Harron Homes not maintaining surface water drainage ditch, which the road drains from Kilroyd Avenue, Kilroyd Drive discharge into, confirmed through camera survey by Kirklees Highways on 6th October 2021.

This constituted a nuisance at common law (clarified in case law under Section 79 (1) (a) of Environment Protection Act 1990).

Harron Homes had fenced off this drainage feature; have seen no written authority to do this either from the Environment Agency or Kirklees Council as required by Land Drainage Acts 1991 & 1994. First raised this with Kirklees Planning in March 2020.

Have Kirklees Planning sought to impose cast iron conditions to ensure permanent remediation of road drain problem and have Harron Homes agreed to them? I urge the committee to consider the above comments in light of the other flooding issues all of which are much bigger and have the capacity for catastrophic impact.”

Officer response: A new Flood Risk Assessment has now been submitted and Kirklees Lead Local Flood Authority will be providing comments on this.

Highway, Traffic, and Access Issues

“What measures are proposed or planned to cater for the demands which will be imposed on the wider highway network through additional traffic generated by this site, to ensure conformity with Local Plan Policy LP65?

Access to site. Kirklees Planning insist on two points of access. Why is there still no written agreement between Kirklees Council and Harron Homes as required under 1990 Town and Country Planning Act? I firmly believe that viability of proposed second access from Hunsworth lane is an issue. Unless and until resolved permission for development should not be forthcoming.

Kilroyd Drive should not be sole access under any circumstances. Please see application for Road Traffic Regulation Order [under a previous representation].

In a similar case involving two similar minor roads to Kilroyd Drive, Bradford Council refused permission for a slightly smaller development on grounds of traffic intensification and detriment to highway safety.”

Officer response: Highway matters are discussed within the Position Statement. In summary, Highways Development Management accept the findings of the submitted Transport Assessment (which is based on a development of 310 dwellings) and have recommended that contributions are secured to help to mitigate the impact of the development on the local highway network.

To address concerns around the provision of the proposed access from Hunsworth Lane, the delivery of this access can be secured by a planning condition as part of the phasing of the development. The Hunsworth Lane access can also be linked to a condition for a Construction Management Plan, which would help to ensure that Kilroyd Drive is not used as the principal access for construction traffic.

Mining Legacy and Site Instability:

“I urge the committee to consider very carefully the viability of the number of houses proposed for this scheme in such an unstable setting.

The Coal Authority are recommending drilling and grouting stabilisation works and proof drilling across the majority of the site to address the risk to stability. Is this being demanded by Kirklees Planning as a legally binding condition. Given that it's a planning requirement under Paragraphs 183 and 184 of the National Planning Policy Framework

What gas protection measures are being insisted upon, again as a legally binding condition or conditions. Can we expect further comments and analysis from Kirklees Councils own environmental health/public protection team in respect of gas monitoring requirements, given that public safety must override any other consideration.

Of the four main mine entrances and shafts under this site three have been located, but it is the fourth that is proving problematic. This is in the South Western corner of the site overlooking Hunsworth Lane and is designated as 418 426 - 008.

This is at or adjacent to proposed second access road.

Lithos Consulting on behalf of Harron Homes have shown a conjectured location which I do not believe to be accurate. Their location shows it halfway up an embankment. The 1854 Ordnance Survey map shows the mine entrance at road level on Hunsworth Lane.

Additionally, the old mine entrance may be closer to or actually under the proposed second access road.

Have Lithos Consulting compared these points by triangulation i) From the 1854 location to fixed points in existence then and still existing now ii) in comparison to their conjectured location to the same fixed points. Then we will have a more accurate location.

Have Harron Homes made public their response to the Coal Authority in respect of measures that will be incorporated into the development (in respect of second access road) to mitigate the risk of instability in the event of an off-site shaft collapse.

Has anyone seen the Coal Authority's response?

Finally, the fault line running across the width of the site. In my own statement on Coal Mining Legacy, I referred to the collective wisdom of residents which in relation to this site has proved wholly accurate, and asked what investigations are planned or proposed in this respect. Stating that it would be grossly irresponsible and unacceptable to dismiss such comments given the high-risk categorisation of the site."

Officer response: As discussed earlier within this update, The Coal Authority raise no objection to the application subject to appropriate conditions. Potential issues with ground gas would be addressed through conditions where remediation of the site is required.

Ecology and Biodiversity:

"I would seriously question whether this proposed development would result in any biodiversity net gain.

The council's own position is that the scheme will need to reflect the priorities of the Pennine Foothills Biodiversity Opportunity Zone. The site plan now under consideration doesn't seem to do this.

Previous statements have referred to the large-scale site desecration in the summer of 2019 and also stated that I believed there was clear contravention of Section 9 of the Wildlife and Countryside Act 1981 in respect of bat roosts and habitats.

All environmental study on site post-dated large-scale habitat removal.

The site clearance carried out was intended to make space for moving the rare double hedgerow which Harron Homes never had any intention of retaining in situ.

Their own consultancy comments by FPCR Environment and Design states that 'the translocation of hedgerows are only considered where all other options to retain the hedgerow have been explored'. What were these other options?

They also go on to say 'it is not possible to retain the hedge in its current location due to site constraints'.

What constraints? Does this actually mean that Harron Homes profitability for the site might be slightly reduced by not building houses where the double hedgerow is now.

The previous planning committee judged that 'it has not been adequately demonstrated that this hedgerow can be translocated without unduly prejudicing its ability to survive'.

What has also not been adequately demonstrated is the necessity of moving it in the first place.

The issue has rather artfully gone from why moving it is necessary, to concentrating on technical aspects of moving it. Relocation may be technically possible, though I have doubts, the issue of why that is necessary seems to have been rather glossed over.

After all the Pennine Foothills Biodiversity Opportunity Zone seeks to protect, restore, and enhance the network of hedgerows - Legal force is given by the Environment Act 1995.

I would urge the committee to consider this particularly in light of the fact that such features are primary habitat for at least 47 species of conservation concern in Britain including 13 globally threatened or rapidly declining ones.

We don't actually know what has already been lost from this site given the huge defoliation that occurred in the summer of 2019 about 550 yards of embankments were cleared on the southern and south western sides of the site. All environmental study postdates this. Admittedly much has grown back in the intervening two years, but as the double hedgerow seems to be the only surviving original ecological feature would respectfully advise it remains in place."

Officer response: Issues relating to the important hedgerow are discussed within the Position Statement.

Officers accept that the development would be unable to deliver a net biodiversity gain of 10% on the site. As such, the developer would be required to make a financial contribution to achieve such a gain. The contribution would be used to deliver biodiversity enhancement off-site.
