

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

25 NOVEMBER 2021

Planning Application 2021/91871

Item 7 – Page 5

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

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

Clarification on noise mitigation

Sources of nearby noise pollution and the impacts of it upon the development are considered within paragraphs 10.41 – 10.48 of the main report. In summary, subject to appropriate mitigation which would be secured via condition, officers and K.C. Environmental Health raise no concerns.

To clarify on that mitigation, as referred to within Paragraph 10.47 of the main report, the necessary mitigation has been calculated as standard double glazing – which all units would host by default. However, the noise survey identifies that specific units will need to keep their windows closed to ensure internal noise levels would meet with the desired standard. A ventilation strategy, to secure alternative methods of ventilation, for these units, would be enforced via condition to ensure these residents may control thermal comfort without the need to open windows.

Public representations

Following this item being deferred at the Heavy Woollen Sub-Committee held on the 24th of September 2021, the applicant submitted a statement in response to the deferral reasons, new noise and traffic surveys, and made a minor amendment to a fence between plots 47 – 43 and dwellings on High Street. Because of this the application was re-advertised to members of the public. The additional period of publicity expired on the 22nd of November 2021. This date was after the publishing of the committee report. In the report contained in the main agenda, it was stated any representations received between the date of the committee report being published and the 22nd would be reported in the Member's Update.

In total, a further 13 public representations have been received since the committee report was published (resulting in a total of 97 for the application as a whole). The following is a summary of the comments received.

- The site retains a large amount of carbon dioxide, its clearance will release it into the atmosphere. The field is a source of fresh air for residents in the area. New residents will be too close to Challenge Way, and therefore suffer air pollution.

Response: The site and Challenge Way are not Air Quality Management Areas. This site is not deemed to be at specific risk from poor air pollution (nor would the development unduly contribute to a poor area). Air pollution from roads drops by distance: the field will not offer substantial absorption affects.

- At the previous committee officers stated that trees do not prevent pollution. Clarification is sought.

Response: The discussion at the time related to air quality for future residents: trees do not absorb pollutants monitored as harmful to human health (nitrogen dioxide, sulphur dioxide, fine particles, carbon monoxide etc.).

Trees do absorb CO₂, a greenhouse gas. The loss of any mature trees is accepted as being detrimental, however considering the proposed re-planting, limited options for alternative access, and other public benefits, on the planning balance the loss of the trees to form the access is considered acceptable.

- Surveys undertaken should be discounted as they were done during COVID restrictions.
- The new noise survey was done during the 'quietest night of the week', when the car park was not in use. The applicant did not speak to the working men's club 'to simulate the true noise maximum levels'. Police had to be called on Saturday night, given the noise from the working men's club. New homes will be closer to the function room, where windows are kept open.
- The monitoring device was placed behind a wall and in a different location to last time, on a different day to that stated within the report.

Response: Further noise and traffic surveys have been undertaken during October 2021, outside of lockdown. While it is noted that work from home remains popular, for the reasons set out in the main report (paragraph 10.43 and 10.55 – 10.56) officers hold no concerns over the timing of the surveys.

The noise survey seeks to establish a typical baseline noise and a weekday is deemed appropriate. Furthermore, on review of the working men's club license, it requires regulated entertainment from the venue to be inaudible from neighbouring properties. The proposed development's relationship with the working men's club (and other sources of noise pollution) is considered in detail within the main report, please see paragraphs 10.41 – 10.48. In summary the working men's club has operated in a residential environment for a prolonged period with the Council hosting only a single complaint on record, and this related to a specific incident (an external disturbance).

Fundamentally, the working men's club is not deemed a prohibitive noise pollutant and the new dwellings can accommodate appropriate noise mitigation features to ensure a good standard of amenity for new residents.

- The proposal will result in the felling of trees and harm to others. Trees absorb pollution.
- The field should be filled with trees. The Council should do more locally to support the climate agenda.
- The proposed units are very close to the tree-belt and will cause damage to them in the future.

Response: Trees will be removed. A landscaping strategy is to be secured via condition to require replacement tree planting which along with the other planting will aid absorption. In terms of the whole site being tree-planted, the land is a housing allocation within the Local Plan. As private land it is beyond the remit of the planning system to enforce such a request. In terms of the tree-belt, an area of public open space will separate the dwellings from the trees; subject to development being done in accordance with the submitted Arboricultural Method Statement (securable via condition), the proposed development the proposal to not harm the tree-belt.

- The proposal will harm the amenity of nearby residents. This includes noise and overlooking.
- New residents will have a poor standard of amenity. Garden sizes are too small for family homes.
- The increase in fencing height to 2.1m does not address overlooking concerns.
- The proposed development does not represent good design. An appropriate separation distance, due to the topography of existing dwellings on High Street, would be 35m.

Response: The further information submitted does not materially change the residential amenity relationship between existing and future residents, nor that expected for future residents in isolation. Members are therefore referred to paragraphs 10.29 and 10.48 of the main report.

The applicant decided to amend the boundary fencing between plots 47 – 43 and dwellings on High Street in response to members concerns. Previously it was to be 1.8m high close bordered fencing. It is now proposed as 1.8m high close boarded fencing, with a 0.3m high trellis topper (for a combined height of 2.1m). Planning officers do not consider this to have a material impact.

- The fields are used for walking and playing by local people, including children at play.

Response: The site is private land and a housing allocation. It is not allocated Urban Green Space nor hosts any formal playing pitch or equipment. Therefore, these comments are deemed to carry minimal weight. It is noted that land to the north is acceptable and hosts a PROW for access.

- The proposal will lead to more traffic in the area, which will lead to road safety issues. Cumulative development within the wider area will exacerbate this issue. Turning right out of the site will take 'minutes, not seconds'.
- The traffic survey should include traffic on Mill Lane, which is a rat run away from Grange Road and Challenge Way.
- Residents will be reliant on cars and traffic movements will be much higher than predicted. Challenge Way does not have a bus service and buses on High Street are infrequent. Access to High Street is limited to a single path, part of which is in a poor state. Cycling is difficult due to topography.

Response: Typically, traffic will not be queuing past the new junction, allowing for quick right / left turn out of the site. In the scenario that traffic does queue past the new junction on Challenge Way from the Shaw Cross junction, turning right into traffic for the low volume of traffic leaving this site would not be an unduly difficult or unreasonable manoeuvre that would add delays. Traffic generation from this development has been considered within the main report, at paragraphs 10.49 – 10.57. Given the low level of traffic expected from this development, assessment on further roads – such as Mill Lane, was not deemed necessary. Mill Lane is not considered a reasonable 'desire-line / rat-run' for traffic entering / exiting this site.

Regarding public transport, the development is not considered unduly reliant upon public transport. The applicant's traffic generation calculations have been reviewed and accepted by K.C. Highways to be reasonable. Conversely, considering public transport, Leeds Road is a short walk away and is well-connected bus route between Dewsbury and Leeds. The area's topography is noted but is no more extreme than other parts of the district. Flatter routes are available. The LPA are satisfied that the applicant's assessment on alternative methods of travel is acceptable. Furthermore, a contribution of £28,132 towards metro travel cards and/or other sustainable travel method improvements is proposed, to further promote them.

- There are no school buses – houses should be built closer to schools.

Response: Planning Policies do not necessitate new buildings adjacent to schools. The site is within close proximity to Shaw Cross and Infant and Nursery, and Bywell CoE Junior. While high schools are further away, the site is within the urban environment and not unduly remote to make access impractical.

- If permission is granted the new dwellings should be built from low carbon materials and incorporate sustainable energy features.

Response: The planning system is unable to enforce (on residential developments) higher than building regulation requirements when it comes to energy efficiency.

- The proposal will require telegraph poles and other utilities, including water pipes, in the field being impacted upon and/or moved.

Response: The proposal includes easements around the water pipes, to be secured via condition, and Yorkshire Water offer no objection. Other processes exist, outside of planning, for redeploying other utilities.

- Development should be built on brownfield sites, not greenfield. The proposal will rob the area of one of its last green spaces.
- Boris Johnson has recently indicated a preference for brownfield priority for residential developments. There is larger brownfield register land '50 yards' away from this site.

Response: Adopted national policy, through the National Planning Policy Framework, and by extension the Kirklees Local Plan, have no policies which necessitate brownfield development over greenfield. The proximity of the brownfield register land is not a material consideration for development upon this housing allocation.

- Polluted surface water collecting from High Street and the working men's club car park will enter the site and go into the drainage system, which is to discharge to Green Hill Beck and Batley Beck. This will harm the eco system.
- Periods of heavy rain cause the sewer under the working men's club car park to overflow.

Response: Residents have demonstrated that rare periods of heavy rain have historically caused the combined sewer under the working men's club car park to overflow. This is a matter solely for Yorkshire Water to address. The proposed development will not materially impact or exacerbate this existing situation. Should sewerage from a Yorkshire Water pipe enter the site, it would be a matter for Yorkshire Water to resolve.

In the unlikely event that the water exiting the sewer enters the site, it would enter the site's surface water drainage system where it would eventually discharge into Green Hill Beck and Batley Beck (via the attenuation tank). Any unintentional pollution to the watercourse, sourced from Yorkshire Water, would be investigated by Environment Agency and fundamentally not be a matter for the developer.

Surface water from roads is not generally considered 'polluting' beyond silt, which would be captured by gully / silt traps.

- The applicant has failed to investigate streams under neighbouring dwellings. Residents claim to have found one.

Response: There are no known watercourses under neighbouring dwellings. However, given ground composition it is accepted that there may be natural springs. These are small scale ground water typical in most environments. As the site is on a lower ground level than the neighbouring properties, should these springs be affected, the minimal water would flow away from the neighbours. Any water discharging from them into the site would be re-routed into the surface water system and/or flooding route.

- The proposal represents urban sprawl. The development will merge Soothill, Shaw Cross, and Hanging Heaton.

Response: The further information submitted does not materially change the design assessment undertaken in paragraphs 10.12 – 10.28 of the main report. In summary, officers do not consider that the proposal would merge the settlement or represent urban sprawl, with the open land to the north and Challenge Way to the east forming suitable boundaries. Furthermore, this site is a housing allocation identified on the adopted Kirklees Local Plan.

- If homes have to be built on this land, they must be bungalows, to preserve the amenity of future occupiers. They would also address local needs better.

Response: Officers consider the proposed housing mixture appropriate and in compliance with local and national policy. For the reasons outlined throughout the main report, insisting on bungalows is not deemed reasonable or necessary.

Planning Application 2019/94147

Item 8 – Page 53

Demolition of existing building and erection of two storey community centre

Quality Food Store, Ravenshouse Road, Dewsbury Moor, Dewsbury, WF13 3QU

7.0 PUBLIC/LOCAL RESPONSE

One additional representation in support of the application has been received from No.1 Low Road. The representation states:

"I would like to confirm that I have been fully consulted on the planning application by the committee members of Mohaddis-E-Azam Mission Dewsbury and I have no objections to replace the extremely unsightly existing shop with the proposed two storey community center with parapet roof matching the design of the approved mosque plans. The planning application has our full support as long as they respect our boundaries and meet our requirements such as, no windows and gates facing our front side of the house. I will attach a picture of the planning permission below which shows no windows or gate. The expansion will enhance and elevate the area, and the planned services will be hugely beneficial whole community of Dewsbury Moor.

The only investment into Dewsbury Moor over the last 20+ years has been by the community through Mohaddis-E-Azam Mission Dewsbury and the pilgrim estate mosque committee. I hope the Kirklees Planning Department will support the application and not block the community from investing in, and improving, our area - Dewsbury Moor'.

Officer Response: The comments of the existing occupier of No.1 Low Road are noted, however the Local Planning Authority has to take into consideration the amenity of future occupiers of that property. The neighbour's comments with respect to investment undertaken by the Mosque is noted, however this is not a material planning consideration in the assessment of this application.

Planning Application 2021/90509

Item 9 – Page 63

Erection of extensions and external alterations

4, Hopton Hall Lane, Mirfield, WF14 8EL

Further correspondence has been received from Councillor Bolt in relation to the negotiations which have taken place between Officers and the applicant through the course of the application. The history of these negotiations is set out in paragraphs 5.1 to 5.5 of the report.

To confirm, the planning application has been assessed having regard to national planning policy, the adopted Development Plan (Kirklees Local Plan) and all other relevant material planning considerations. The report is the officer body report and the recommendation in the report takes into account all relevant planning matters and the collective view of all relevant officers

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