

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HEAVY WOOLLEN AREA)

28 APRIL 2022

Planning Application 2021/93311

Item 9 – Page 11

Erection of new footbridge, ramps and stairs (within a Conservation Area)

Land between, Rutland Road, Howley Street, Primrose Hill, Batley

Agreed Lighting Design

An adoptable scheme for the artificial lighting of the footpath has been agreed. A draft artificial lighting plan is available on the planning application webpage for 2021/93311. The plan is titled *Lighting General Arrangement - 151667-TSA-48-MDL1-DRG-E-EP-080012 Rev P04*.

In addition to this plan, final amendments and information points have been agreed between KC Streetlighting and Network Rail. The additional information points are set out below which have been agreed between KC Streetlighting and Network Rail and which will be reflected in the final submitted plan and documentation:

- Agreement to install 'hot-dipped galvanised' columns that match Kirklees' specification.
- Agreement to Fall of the lighting columns for maintenance (i.e. replacement bulbs, lanterns).
- Agreement to calculate the luminance flux of the lanterns based upon a 'maintenance factor' that accounts for the lumen depression as well as the dirt and pollution accumulation on the lanterns over Kirklees' 6 year cleaning regime. (Subject to a DiaLux Re-Calculation).
- Drawing to confirm that the lighting columns are to be connected to the District Network Operator supply (Northern Powergrid) at Howley Street.
- Agreement to Kirklees' Lighting Control practices.
- Agreement to reduce the lighting levels on the Stairwell

Councillor Zaman Comments and Officer Response

On the 21st April 2022 the Case Officer received correspondence from Ward Councillor Zaman detailing her request for deferral of the application. The Case Officer responded the following day on the 22nd April 2022. No further correspondence has been received following the exchange. Councillor Zaman's correspondence and the Case Officer's response are below, the latter being italicised:

Cllr Zaman - 21st April

Hi Richard,

I have met with the residents of Upper Batley this evening. They have raised their concerns about the issues that were raised at the last meeting. I believe these are still outstanding and wish to seek a deferral of the Network Rail planning application scheduled for the Planning Committee meeting on 28th April 2022.

- The minutes of 17.3.22 deferred the decision pending further information on lighting and anti-crime measures.
- The West Yorkshire Police Report of 22.3.22 has dealt with neither of these matters. It refers to buildings, commercial premises, reception, staff/visitors and says nothing about the ramp and bridge.
- Although not referred to in the minutes two Councillors at the meeting asked Network Rail to liaise with the residents of Rutland Road to address their concerns. This has not happened and Network Rail only recently arrived unannounced with 3 vehicles and associated traffic management to dig a hole in the pavement.
- The residents recently received answers to an FOI on electrification, a few days after the last Planning Committee meeting. The planned date for electrification is now 2027 but this remains "subject to some uncertainty".
- In response to one of the FOI queries, Network Rail have confirmed that there are "a great many pedestrian crossings over electrified railway lines".
- A further FOI has been submitted to clarify a number of ambiguous responses including one which refers to Lady Anne Crossing between Dewsbury and Huddersfield. Network Rail do not expect to be able to respond until a few days after 28th April Planning Committee.

In summary, no progress whatsoever has been made to address residents' concerns and the actions specified in the Planning Committee notes and therefore, I respectfully request that the Network Rail item is deferred to a future meeting.

Case Officer – 22nd April 2022

Dear Cllr Zaman,

Thank you for your comments. These will be acknowledged in the Committee Update which I will prepare on Monday.

I have responded to your points in turn below in respect of reasons for deferral:

- The minutes of 17.3.22 deferred the decision pending further information on lighting and anti-crime measures.
- The West Yorkshire Police Report of 22.3.22 has dealt with neither of these matters. It refers to buildings, commercial premises, reception, staff/visitors and says nothing about the ramp and bridge.

The main section on the footbridge from WYP is redacted, this is standard practice for WYP consultee responses by the LPA Support Team due to the often sensitive nature of their comments. I have provided the unredacted comments online now for the purpose of clarity and openness for all parties (the website should update tomorrow). Separately, the redacted wording has been available to view in paragraph 10.58 of the Committee Report, which is available [here](#). Details on the situation with the lighting scheme is provided in the same report and shall be submitted in the Committee Update this coming week.

- Although not referred to in the minutes two Councillors at the meeting asked Network Rail to liaise with the residents of Rutland Road to address their concerns. This has not happened and Network Rail only recently arrived unannounced with 3 vehicles and associated traffic management to dig a hole in the pavement.

Network Rail have conducted 4 separate community engagement events for the proposed development. Officers consider that to be a significant devotion of community engagement resources by the applicant. In respect of the pavement works, Officers have sought clarity on this from Network Rail, and they have stated that the works to the highway were for Geo-Environmental purposes to investigate the embankment for the footbridge and that the works were conducted for a half day and the ground made up to its previous state. As such the works are determined as temporary development and were agreed with the highways authority traffic control team. It is regrettable that Network Rail did not consult local residents of the works in advance but, given the scope of the works, it is not considered reasonable grounds for deferral of the application.

- The residents recently received answers to an FOI on electrification, a few days after the last Planning Committee meeting. The planned date for electrification is now 2027 but this remains "subject to some uncertainty".

This is correct and in line with the deadline set by the Secretary of State under the Transport Works Act Order. Network Rail have stated that the signal upgrade, which also affects the operation of the level crossing, is scheduled to be installed next year.

- In response to one of the FOI queries, Network Rail have confirmed that there are "a great many pedestrian crossings over electrified railway lines".
- A further FOI has been submitted to clarify a number of ambiguous responses including one which refers to Lady Anne Crossing between Dewsbury and Huddersfield. Network Rail do not expect to be able to respond until a few days after 28th April Planning Committee.

Officers cannot comment on extracts from Freedom of Information requests without further context and information.

Erection of two business units (mixed Class E(g)(iii) and B8 uses)

Firths Yard, Mill Road, Dewsbury, WF13 2HP

Public/Local Response

Following the decision by Members of the Heavy Woollen Planning Committee on 17th March 2022 to defer the application for a site visit, amended plans were submitted which show a reduction in the amount of parking spaces from no. 11 to no.9 within the site. The plan has also been annotated to denote the width of the access to the private garage. The amended plans have been advertised via neighbour notification letter to all neighbours and interested parties. The end date for consultation was 18th April 2022.

Two letters have been received with no additional matters raised.

It was brought to the attention of officers that an interested party was not notified of the submission of an amended plan due to an administration error. The interested party has previously submitted comments for the application which was originally advertised via site notice and neighbour notification letters.

A neighbour notification letter was sent to the interested party on 21st April 2022. The letter explained that comments would need to be submitted to the Local Planning Authority by 26th April to allow for any comments to be assessed prior to the Heavy Woollen Planning Committee meeting date. Officers have checked daily for any comments received by email and by post for the application. No further comments have been received.

Highways Issues

The amended layout plan shows the removal of vehicle parking spaces 1 and 2 which were located adjacent to the access to the scrap yard. Officers consider that the proposed no.9 parking spaces retains a sufficient level of parking provision within the site and the proposals remain acceptable from a highways perspective.

Reserved matters application pursuant to outline permission 2020/91215 for erection of 41 dwellings

Land at, Green Acres Close, Emley, Huddersfield, HD8 9RA

KC Waste Strategy

Final comments have been received by KC Waste Strategy which mirror the points raised within paragraph 10.47 on page 164 of the Committee report. However, as an additional measure, the Waste Collection Authority have recommended that a condition is attached to the decision notice, should permission be granted, regarding the temporary measures to allow waste to be stored/presented in an accessible location adjacent to the nearest adopted highway during the construction of the site. This is due to the fact that the Authority will not enter construction sites for the purpose of domestic waste collection. This would form condition 17 (Temporary measures for waste collection during construction).

Representations

Four additional representations have been received since the Committee report was published. Apart from the officer comment below, all other concerns raised are addressed within the Committee report

- The latest plan submitted does not show the Definitive Map Modification Order (DMM) application which would pass through the gardens of plots 14 – 20 and would be in the vicinity of the 17m ball strike net. This should be included on the plans so that the committee is made aware of this.
- This footpath is a safety feature of the village has been used and continues to be used daily by 100's of children and village residents wishing to enter the playing fields and friends in Warburton without the necessity to walk down Upper Lane which has a poorly maintained footpaths only on one side and then walk Warburton which does not have any footpaths and brings children into conflict with traffic.
Officer comment: This has been noted and members of the Committee will be verbally updated of this. However, officers are satisfied that the link/connection being proposed is effectively already being provided via the new footpaths within the site, which will connect to the existing two PROWs.
- The application site is 1.18 hectares but fails to declare the entrance to the Millennium Green cannot be used and therefore the site is 1 hectare only and the 41 houses falls outside of the recommended policy LP7 of 35 houses per hectare.

- KC PROW states there would need to be a DMMO File ref 311 application which there is and was clearly stated on PROW Id (927828) dated 13/04/2022 this is presently being assessed by Kirklees PROW.
- Medical facilities in the village are inadequate as the surgery is open 3 half days per week. The nearest surgery with medical facilities is either Scissett or Middletown neither of these surgeries are on a bus route that comes through Emley.
- Public Transport in this village is a bus every hour, of late for three days these buses are not running due to man power shortages and therefore in an isolated village such as Emley a car is essential.
- There are no cycle lanes or buses running to major cities Leeds, Manchester, Sheffield and therefore a car is essential.
- The OPTIMA report gave totally unrealistic figures traffic figures for the Wentworth Junction, these figures taken during covid restrictions and then on a Bank Holiday gave daily averages of 400 cars per day. Recent local surveys give a daily figure of between 2500 and 3000 cars per day over this junction.
- There is no off-street parking for visitor parking. Of the eight that are marked, 4 are at the entrance to the development away from the houses. A recommendation by the Police report was that these 4 spaces would attract anti-social behaviour and encourage other activities, and should be avoided.
- Parking using Kirklees standards there is a shortfall of 19 parking spaces
- Ball strike nets. The Labosport report quite clearly states 18 metres high netting not 17 metres and also states that this will not completely eradicate all ball strikes yet this comment has not been included.
- The latest Barratt Plan show the nets to have 3 stanchions yet the stanchions for this height have to be at no less than 15 meters and therefore there will be a need for six and not three.
- A total of 452 written objections were made plus the written objections to Barratt following their "Have your say leaflet". The housing total in Emley is around 700 so this is a massive number of people objecting.
- Public responses in total 453 written objections +60 direct to Barratt.
- Kirklees strategic housing says affordable housing should be distributed throughout the development – we have a block of 6 with little outside space for these young families.
- The southern boundary of this development abuts the Millennium Green boundary, we have consistently asked for a wildlife corridor a zone of influence for all the wildlife to be retained.
- The Millennium Green which is also a wildlife area is home to many different species of birds, mammals, and insects, which live in, and around this hedgerow area.
- Kirklees landscape id (901545) states they have concerns over the close proximity of dwellings to the Millennium Green boundary.

- In his original report to this committee by Victor Grayson April 2020
‘Item 10:64 he said dwellings on this boundary were too close to existing trees and with design change this could be overcome. when detailed layout is prepared prior to reserved matters stage the applicant would need to provide a good level of separation between the dwellings and the trees’.
 - Dwellings 34 and 41 almost touch this boundary and therefore restrict the Millennium Greens legal entitlement.
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