

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

#### STRATEGIC PLANNING COMMITTEE

6 APRIL 2023

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Planning Application 2022/91735

Item 10 - Page 17

**Outline application, with access and layout, for the erection of 80 dwellings and associated work**

**Land off, Hermitage Park, Lepton, Huddersfield, HD8 0JU**

#### Update on Highways

Following the outcome of a Stage 1 Road Safety Audit on the proposed Rowley Lane / Hermitage Park junction improvements, the proposal has been amended to include the provision of parking restrictions (yellow lining) on the junction radii. This would prevent vehicle parking affecting the sightlines. These proposals would be secured via condition but would also be subject to separate Traffic Regulation Order process that involves its own public consultation and assessment.

#### Update on Ecology

It has been raised by residents and ward members that the applicant's Ecological Impact Assessment does not include consideration of the impacts of the proposed highway improvement works at the Hermitage Park and Rowley Lane junction. To secure the required sightlines, the clearance of vegetation and regrading are proposed within a wooded area adjacent the highway.

It is proposed that the condition requiring the full technical details of the improvement works include an Ecological Impact Assessment. Ultimately, this will ensure the most up to date surveys (if required) are undertaken and inform the appropriate design features and/or mitigation. Given the small size of the area and its proximity to the highway, there is no reasonable grounds of prohibitive issues being raised.

#### Comments from Councillor Munro

Local ward Councillor Munro has provided updated comments, as follows:

- None of the sites in the area were assessed cumulatively and combined represent an overdevelopment of the Lepton and Fenay Bridge area.

**Response:** Cumulative impacts were considered at both Local Plan allocation stage and as part of this planning application.

- There is no benefit to building houses on former Green Belt land.

**Response:** This has been raised previously and the site is an allocated housing site in the Local Plan. The proposal has been assessed giving due regards to its impacts and benefits as outlined throughout the main report.

- The proposal is not master-planned, but piecemeal development. It has no ties to 'phase 1'. There is no guarantee that other phases of the masterplan will come forward.

**Response:** The proposal is supported by an extensive masterplan document, which is considered in paragraphs 10.7 – 10.18 of the main report. While geographically separate, the masterplan established an overview of the development of HS2 and HS3 as well as design standards. However, it is accepted that there is no guarantee that phases 3 and 4 will come forward, but the masterplan ensures they have been appropriately considered if so.

- Planting in the buffer zone between the great wood and houses may lead to fires spreading.

**Response:** This concern is outside of the remit of the planning system.

- Shrubbery planting in the buffer zone will detract from views towards Woodsome Hall, which is Grade 1 listed.

**Response:** Landscaping is a reserved matter and therefore the species / size of planting is unknown currently. The impact on views of planting will therefore be assessed at Reserved Matters stage.

- A baseline assessment of the level of pollution in Beldon Brook should be undertaken, to enable an assessment of how much additional pollution is caused by development.

**Response:** A temporary surface water management plan as well as construction management plan are to be secured by a condition, in addition to Watercourse pollution being governed by separate legislation, outside of the planning system.

- Hermitage Park is steep near the junction and vehicles struggle to access it. Parents parking at school pick up / drop off times makes it more difficult, and the proposal's additional traffic (including construction) will exacerbate these issues.

**Response:** Highways considerations are outlined in paragraphs 10.77 – 10.97 of the main report. While the steepness is noted, it is not considered an intrinsic safety issue.

- Seeking clarification on whether a footpath would be provided from the development to Rowley Lane.

**Response:** The development would link to Hermitage Park, which will provide a direct connection between the site to Rowley Lane. PROW KIR/85/10 would also be retained as an alternative route between the site and Rowley Lane.

- The Rowley Lane / Hermitage Park junction improvements required 3<sup>rd</sup> party land, which forms part of a neighbour's garden.

**Response:** Land registry data indicated the land falls outside of the boundaries of neighbouring properties. No evidence to the contrary has been provided.

- Concerns over the impact on protected species in the area to be affected by the Rowley Lane / Hermitage Park junction improvements.

**Response:** Please see the above comments where an amendment to the condition is recommended.

- Question whether 20% affordable housing will be provided.

**Response:** Yes, 20% would be provided. Please read paragraphs 10.158 to 10.162 of the main report.

- Concerns over how the landscape will be maintained.

**Response:** This would be secured via S106 agreement and is expected to be a residents management company.

- Concerns over the use of attenuation ponds and their safety. Further, concerns whether the ponds will have trees planted around them that would harm views of Woodsome.
- The development would not be served by a surface water drainage system.
- Sewer water is often pumped into rivers: seeking clarification that this won't happen here.

**Response:** The attenuation ponds are the surface water drainage system, which will collect, store, and discharge rainwater at a greenfield rate into Beldon Brook. Discharge into the brook will be surface water only, not polluted water. Foul water will connect into Yorkshire Water's existing sewer network.

- Object to the felling off trees.

**Response:** Tree removal is to be kept to a minimum, with the trees to be removed not forming part of the Ancient Woodland and being of limited public amenity value. Their removal is expected to be adequately mitigated through the proposal's landscaping (a reserved matter).

- Houses should all be south facing (maximising sunlight) to promote 2050 carbon zero objectives.

**Response:** South facing elevations is a benefit but is one of numerous carbon zero measures one may use. Having all units face south would be poor visual design, and therefore needs to be considered in the wider balance of planning matters.

- Lepton Great Wood is already being damaged by human use, which the proposal will exacerbate (images of bluebells being pulled up provided). A 50m buffer zone should be provided.
- Comments from the Woodland Trust, specifically the inclusion of a 50m buffer zone, have not been incorporated into the proposal.

**Response:** This is addressed within paragraphs 10.124 – 10.146 in the main report.

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**Planning Application 2021/93567**

**Item 11 - Page 75**

**Erection of 180 dwellings with associated works**

**Land off, Westgate, Cleckheaton, BD19 5DR**

Drainage, Flood Risk and Consultee responses

At the time the main report was published, consultation responses were pending from The Environment Agency (EA) and Yorkshire Water.

The EA has responded and confirmed they no longer object to the proposal, subject to conditions. The applicant has satisfactorily addressed the compensatory storage and culvert blockage matters outlined in paragraph 10.77. Therefore, a condition is requested by the EA that the development be done in accordance with the submitted Flood Risk Assessment details. This was already proposed (condition 18).

Updated comments from Yorkshire Water have not been received. Therefore, their position remains an objection. Nonetheless, officers are satisfied that their concerns, detailed in paragraph 10.83, may be adequately addressed via condition as outlined in paragraph 10.84. For ease, these paragraphs are repeated below:

*10.83 Yorkshire Water have objected to the proposal on two main grounds. There are various Yorkshire Water pipes under the site they seek to protect. The first is due to the landscaping strategy showing trees within the exclusion zone of several of the pipes. This has been addressed by the applicant via an updated indicative landscape strategy. This could also effectively be controlled via the proposed full technical details on landscaping. The second reason is that, following amendments to the proposal, previously shown pipes and notes relating to their diversion have been omitted / changed. The applicant has responded directing Yorkshire Water to where the information is, and have updated their plans to make it clear.*

10.84 *Notwithstanding Yorkshire Water's objection, officers are satisfied that recently-submitted details from the applicant address the concerns. Alternatively, the concerns could be adequately addressed via condition. However, Yorkshire Water have not yet responded to either the applicant or officer's consultation request. An update on the matter may be provided within the update to Members.*

Draft condition 23 of the main report is "*Potential Yorkshire Water conditions to address Yorkshire Water concerns (to be detailed in the update)*". It is proposed this be amended to:

- Full technical landscaping strategy to be provided, to include assessment of avoiding potential tree impacts upon subterranean water infrastructure (Amended version of condition 6, which requires a full landscape strategy)
- No development to commence until a strategy for the protection and/or diversion of public sewers, to include the provision of appropriate stand-off distances, has been submitted and approved.

### Contributions

In paragraph 10.101 of the main report, it is stated that while the applicant had agreed to the reduced planning obligation package, the landowner had not. Confirmation from the landowner has not been received. Nonetheless, this does not prevent determination of the application and is a private matter between the applicant and landowner.

### Representations

One further representation has been received, taking the total received to eight. The following is a summary of the comments made:

- Westgate is a very busy road, particularly during the morning (school) peak hour. Vehicles (including HGV traffic) queue along Westgate making it take a substantial period for people turning right / left out of attached roads. The legal parking of vehicles creates a chicane that is difficult to manoeuvre.
- The proposal will exacerbate issues and may lead to people queueing on-top of the zebra crossings on the road.
- The access is unsafe and is being forced to accommodate housing on the site. Another access should have been used.

**Response:** K.C. Highways have undertaken an extensive assessment of the proposal, which is detailed in the main assessment. As a summary response to the comments above, while the existing situation on Westgate road is noted, the proposal is not expected to materially, or severely, exacerbate the current situation. Regarding the Zebra crossing, officers are required to expect drivers to operate in accordance with the highway code. On the access, K.C. Highways are satisfied that the access arrangements are robust and safe.

- The car park on site is used by a local business. Removing it will displace cars onto the local network, again exacerbating issues.

**Response:** This is noted; however, the use of the car park is not secured via any planning condition or obligation. The continued use of the car park is a private matter between the applicant and any tenant and could end (subject to any contact) at any time regardless of the planning process.

- The applicant's Transport Assessment refers to a 'Westcliffe Lane', which does not exist.

**Response:** From context it is evident the author of the report is referring to Westcliffe Road opposite the site access. While an error, it does not materially affect the assessment made.

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