

## KIRKLEES METROPOLITAN COUNCIL

### PLANNING SERVICE

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

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

22 JUNE 2023

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Planning Application 2022/92100

Item 11 – Page 27

**Outline application for erection of residential development of 10 dwellings, demolition of existing extension at 27 Moor Lane, widening of existing access and realignment of boundary walls**

rear of, 23 to 43, Moor Lane, Gomersal, Cleckheaton, BD19 4LF

#### 1.0 INTRODUCTION (Page 28 of the agenda)

As outlined in Section 1.0 of the committee report, Cllr Elizabeth Smaje objected to the application. However, only a summary of her objection was published at paragraph 1.2. Cllr Smaje's objection is set out in full as follows:

*"I am writing with objections to the application and would ask that it is referred to planning sub committee with a site visit.*

*In respect of Highways, I would ask if the Highways officer has visited the site. Driving down Moor Lane there is a blind bend, the access way to 27 Moor Lane cannot be seen by drivers until reaching the entrance. There are currently boundary walls to other properties that are immediately next to the road. How will the visibility splay be achieved in order for vehicles to be seen by oncoming traffic? The picture below shows that the entrance way is unsighted for drivers coming down the road and therefore it will be difficult for drivers coming out of the access way to see approaching vehicles. The visibility splays shown do not look possible without taking away existing boundary walls and reducing front gardens/driveways from other properties. The splays could also affect the ability of existing properties being able to have vehicles parked outside of their properties.*

*The terraces opposite need to park their vehicles on the road and therefore Moor Lane is already narrowed. Some residents on the development side of Moor Lane also have to park their vehicles on the road. There is no footpath on the side of the road of the proposed accessway, there is only one footpath down Moor Lane. This would make it dangerous for pedestrians coming out from the proposed development into the road. Whilst the Highways assessment asks for a path into the development there is no comment on the fact that there is no footpath on the development side of Moor Lane.*

*The proposal of 10 dwellings looks extremely crowded that does not take into consideration enough space between existing houses and the settings of listed properties.*

*It is very difficult to assess the full impact when the height of the proposed properties is not shown, nor the positioning of windows etc. As the land sites on the border of the conservation area then it adds to the importance of needing to understand the full impact of the development. There is very little room for visitor parking but there cannot be any overspill onto Moor Lane as this is crowded with existing resident parking.*

*The Kompass system indicates that there is a strip of Kirklees owned land running down the side of 27 Moor Lane which is the current way into the field. Has Kirklees been approached about this land and have the notices been given? Is Kirklees proposing to sell this land?*

*The field provides a much needed open space in the centre of a built up area which in itself forms part of the character of the area. Looking at the historic maps this land does not appear to have been built in previously and needs to remain green open space.*

*My objections are therefore in respect of highways, density, reduction of open space, change of character of area.” (received 18<sup>th</sup> August 2022)*

Following amended plans, Cllr Smaje submitted a subsequent objection which is as follows:

*“My concerns that I expressed previously for this application remain even though plans have been amended. The proposal to use block paving outside some properties may move boundary walls but this will become a parking area and therefore there will still be no visibility. The approach is still the same and it is still on a bend.” (received 20<sup>th</sup> March 2023).*

## **7.0 REPRESENTATIONS (Pages 31-34 of the agenda)**

Following the publication of the agenda, one additional comment was made after the close of the public consultation period (in objection). However, no new material considerations have been raised.

## **10.0 OFFICER ASSESSMENT (Pages 36-52 of the agenda)**

Point of clarification at paragraph 10.2:

To achieve sustainable growth, a housing need of c. 270 new residential dwellings has been identified within Policy LP2 for Gomersal, through a combination of housing and mixed use site allocations, over the lifetime of the adopted Kirklees Local Plan. As this site is unallocated, it represents a windfall site (as defined within the NPPF). The Local Plan states “A windfall allowance of 450 per annum for the final ten years of the plan period (2021/22-2030/31) has been included in the land requirement calculations.” The proposed development would therefore contribute to overall housing numbers.

Additional paragraphs inserted clarifying the officer response to the public representations:

### Representations

10.113 112 representations were received. The key points raised in SUPPORT throughout the entire duration of the application are as follows:

- Proposal would improve the site.

10.114 The key points raised in OBJECTION throughout the entire duration of the application are as follows:

#### *Highways/Car Parking/Accessibility*

- Proposal would exacerbate existing highways safety concerns due to the volume of traffic using and on-street parking on Moor Lane.  
**Officer comment:** *Highway safety and parking has been assessed in paragraphs 10.44-10.62. KC Highways Development Management do not object to the proposal.*
- Larger and emergency services vehicles would not be able to access the site easily.  
**Officer comment:** *See paragraph 10.55.*
- Footpath provision in the area is insufficient.  
**Officer comment:** *Noted.*
- Site access is unsafe for vehicles and pedestrians.  
**Officer comment:** *See paragraphs 10.50 - 10.55.*
- Construction traffic would cause disturbance in the area.  
**Officer comment:** *See paragraphs 10.109 – 10.111.*
- Demolition of existing house extension to provide access would lose an off-street parking space.  
**Officer comment:** *See paragraph 10.59.*
- Moor Lane is no longer accessed by public transport.  
**Officer comment:** *Noted.*
- Level of on-site car parking would not be sufficient.  
**Officer comment:** *See paragraph 10.59.*
- Revised site access is still not sufficient for vehicles and pedestrians.  
**Officer comment:** *See paragraph 10.55.*
- Revised proposal does not comply with adoptable highways and drainage standards.  
**Officer comment:** *See paragraph 10.53.*

- Cars parked within the site not in designated spaces would cause issues for larger and refuse vehicles.  
**Officer comment:** *Noted.*
- Figure used in the road survey are flawed.  
**Officer comment:** *Noted.*
- Proposal would exacerbate highways safety concerns.  
**Officer comment:** *Highway safety and parking has been assessed in paragraphs 10.44-10.62. KC Highways Development Management do not object to the proposal.*
- Car parking layout is inadequate and would impact on residential amenity of neighbours.  
**Officer comment:** *Sufficient parking has been demonstrated, as set out in paragraphs 10.58 – 10.59. The layout is indicative at this stage, with a full assessment to be carried out at reserved matters stage.*
- Proposed access footpaths are inadequate.  
**Officer comment:** *See paragraph 10.55.*
- Visibility splays not adequate.  
**Officer comment:** *See paragraph 10.55.*
- Refuse Collection Vehicle access is very tight.  
**Officer comment:** *Noted.*
- Site access would be unsafe.  
**Officer comment:** *Noted.*

#### *Ecology/Biodiversity*

- Proposal would detrimentally impact local wildlife.  
**Officer comment:** *The impact on ecology and biodiversity has been assessed in paragraphs 10.72-10.78. KC Ecology do not object to the proposal subject to conditions and securing a contribution for off-site biodiversity net gain.*
- Proposal would result in a loss of mature and TPO trees.  
**Officer comment:** *The impact on trees has been assessed in paragraphs 10.79-10.89.*
- Proposal would remove green space from the area.  
**Officer comment:** *The site is not a designated Urban Green Space. See paragraphs 10.9 and 10.14.*
- Proposal would lead to a significant reduction in biodiversity.  
**Officer comment:** *The application would secure an off-site Biodiversity Net Gain contribution of £35,190.*

- Proposal would damage the site's ecology.  
**Officer comment:** *The application would secure an off-site Biodiversity Net Gain contribution of £35,190.*
- Biodiversity Net Gain Assessment is inaccurate.  
**Officer comment:** *Noted.*

#### *Drainage*

- Proposal would increase surface water run-off/flooding risk to neighbouring dwellings.  
**Officer comment:** *The submitted drainage details are considered acceptable by KC LLFA and Yorkshire Water.*
- Additional drainage requirements would put pressure on the existing system.  
**Officer comment:** *Noted.*
- A lack of drainage details have been submitted.  
**Officer comment:** *Noted.*
- Revised surface and foul water drainage schemes remain unfit for purpose and would increase local flood risk.  
**Officer comment:** *The submitted drainage details are considered acceptable by KC LLFA and Yorkshire Water.*
- New dwellings would put strain on existing drainage infrastructure.  
**Officer comment:** *The submitted drainage details are considered acceptable by KC LLFA and Yorkshire Water.*
- Hardstanding areas would increase flood risk.  
**Officer comment:** *Noted.*
- Details of foul drainage arrangements not shown.  
**Officer comment:** *Noted.*

#### *Landscape Character/Heritage*

- Character of the area would be impacted.  
**Officer comment:** *See paragraphs 10.12 – 10.16.*
- Character of the Conservation Area would be impacted.  
**Officer comment:** *See paragraphs 10.63 – 10.71.*
- Proposal would impact on the setting of a Grade II\* Listed Building.  
**Officer comment:** *See paragraphs 10.63 – 10.71.*
- Submitted Landscape Assessment is not accurate.  
**Officer comment:** *Noted.*

### *Residential Amenity*

- Proposal would lead to overlooking and privacy issues on adjacent dwellings.
- Proposed dwellings would overshadow existing dwellings.
- Proposal would lead to a loss of outlook for neighbouring dwellings.
- Additional light pollution from car headlights leaving the site would impact residential amenity.
- Proposed dwellings would overlook neighbours.

**Officer comment:** *The submitted layout is indicative. Layout, scale, and appearance are reserved matters to be fully assessed under a later application. Residential amenity has been indicatively assessed in paragraphs 10.27 – 10.31.*

### *Other*

- Previous site history shows the site not being acceptable for new dwellings.  
**Officer comment:** *Officers are familiar with the planning history of the site. The two previous applications for residential development were withdrawn.*
- New dwellings should be encouraged on Brownfield sites.  
**Officer comment:** *Noted.*
- Local facilities and infrastructure are already stretched.  
**Officer comment:** *Noted.*
- Noise levels would be increased in the area.  
**Officer comment:** *See paragraphs 10.38-10.39.*
- Proposal would lead to an increase in pollutant and non-renewable energy usage.  
**Officer comment:** *Noted.*
- Site is not suitable for development due to previous coal mining activity in the area and the presence of ground gas.  
**Officer comment:** *See paragraphs 10.101-10.108.*
- No affordable housing has been proposed.  
**Officer comment:** *See paragraph 10.6.*
- Proposal would constitute overdevelopment of the site.  
**Officer comment:** *See paragraphs 10.7-10.11.*
- Public consultation process has been questioned.  
**Officer comment:** *Noted. There were two rounds of public consultation as per paragraphs 7.1 – 7.15.*
- Proposal is not sustainable development.  
**Officer comment:** *Noted.*

- Proposed housing mix doesn't reflect local need.  
**Officer comment:** See paragraphs 10.17-10.23.
- Air quality in the area would be detrimentally impacted by the proposal.  
**Officer comment:** Noted.
- Application uses 3<sup>rd</sup> Party land which the owner does not permit.  
**Officer comment:** Notice has been served on relevant landowners, and the correct ownership certificate signed.
- Previous application for fewer dwellings already refused.  
**Officer comment:** Officers are familiar with the planning history of the site. The two previous applications for residential development were withdrawn.
- Site is unsuitable for residential development.  
**Officer comment:** Noted.
- Kirklees Council has an interest in the site.  
**Officer comment:** Kirklees Council own the land between nos. 25 and 27 Moor Lane. Notice has been served on the Council as landowners, and the correct ownership certificate signed.

10.115 The key points raised as COMMENT throughout the entire duration of the application are as follows:

- Number of dwellings should be reduced.
- Moor Lane is already used as a rat run.
- Boundary treatment details required.
- A footpath should be considered between the rear of dwellings on Ventnor Close and Knowles Lane.

**Officer comment:** Noted.

10.116 Cllr Elizabeth Smaje has also submitted two objections to the application, which are set out below with officers' responses:

*I am writing with objections to the application and would ask that it is referred to planning sub committee with a site visit.*

**Officer comment:** Noted.

*In respect of Highways, I would ask if the Highways officer has visited the site. Driving down Moor Lane there is a blind bend, the access way to 27 Moor Lane cannot be seen by drivers until reaching the entrance. There are currently boundary walls to other properties that are immediately next to the road. How will the visibility splay be achieved in order for vehicles to be seen by oncoming traffic? The picture below shows that the entrance way is unsighted for drivers coming down the road and therefore it will be difficult for drivers coming out of the access way to see approaching vehicles. The visibility splays shown do not look possible without taking away existing boundary walls and reducing*

*front gardens/driveways from other properties. The splays could also affect the ability of existing properties being able to have vehicles parked outside of their properties.*

**Officer comment:** Highway Safety and parking has been assessed in paragraphs 10.44-10.62. KC Highways Development Management do not object to the proposal. The western visibility splay would be achieved through the removal and relocation of parts of the southern boundary walls and vegetation of Nos. 23 and 25 Moor Lane. The proposed visibility splays are also considered to represent a positive impact on highway safety on this corner of Moor Lane, which is already a pinch point, by widening the carriageway and promoting sight lines further down the street than are currently available.

*The terraces opposite need to park their vehicles on the road and therefore Moor Lane is already narrowed. Some residents on the development side of Moor Lane also have to park their vehicles on the road. There is no footpath on the side of the road of the proposed accessway, there is only one footpath down Moor Lane. This would make it dangerous for pedestrians coming out from the proposed development into the road. Whilst the Highways assessment asks for a path into the development there is no comment on the fact that there is no footpath on the development side of Moor Lane.*

**Officer comment:** Highway safety and parking has been assessed in paragraphs 10.44-10.62. KC Highways Development Management do not object to the proposal.

*The proposal of 10 dwellings looks extremely crowded that does not take into consideration enough space between existing houses and the settings of listed properties.*

**Officer comment:** The proposed layout is indicative. However, as the proposal is for 10 dwellings on a site of c. 0.42ha, this equates to a proposed housing density of c. 23.8 dwellings per hectare. This is considerably lower than the policy requirement of 35 dwellings per hectare and at the lower end of those existing densities in the surrounding area. A full assessment of the potential harm to the Grade II\* Listed Building is not considered practicable at this stage, and further detailed assessment would be required at Reserved Matters stage.

*It is very difficult to assess the full impact when the height of the proposed properties is not shown, nor the positioning of windows etc. As the land sites on the border of the conservation area then it adds to the importance of needing to understand the full impact of the development. There is very little room for visitor parking but there cannot be any overspill onto Moor Lane as this is crowded with existing resident parking.*

**Officer comment:** This is an outline application with only access for consideration. The height of dwellings and positioning of windows would be carefully assessed at Reserved Matters stage. KC Conservation & Design consider that the proposal would not harm the setting of the adjacent Gomersal Conservation Area. 3 visitor parking spaces have been provided, 1 more than required by the Council's Highways Design Guide SPD.



*The Kompass system indicates that there is a strip of Kirklees owned land running down the side of 27 Moor Lane which is the current way into the field. Has Kirklees been approached about this land and have the notices been given? Is Kirklees proposing to sell this land?*

**Officer comment:** Notice has been served on the Council as landowners, and the correct ownership certificate signed.

*The field provides a much needed open space in the centre of a built up area which in itself forms part of the character of the area. Looking at the historic maps this land does not appear to have been built on previously and needs to remain green open space.*

**Officer comment:** It is noted that the land has not previously been developed. However, it is not designated Urban Green Space and the loss of this site has been assessed in paragraphs 10.9 and 10.14. Moreover, there are designated Urban Green Spaces in the wider area, and Green Belt land on the eastern side of Dewsbury Road and to the south of Queen Street.

*My objections are therefore in respect of highways, density, reduction of open space, change of character of area.” (received 18<sup>th</sup> August 2022)*

**Officer comment:** Noted.

*My concerns that I expressed previously for this application remain even though plans have been amended. The proposal to use block paving outside some properties may move boundary walls but this will become a parking area and therefore there will still be no visibility. The approach is still the same and it is still on a bend. (received 20<sup>th</sup> March 2023).*

**Officer comment:** Noted.

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**Planning Application 2022/94117**

**Item 13 – Page 89**

**Change of use and alterations to convert existing building to garage MOT testing station**

**Crossfield Farm, 17, Woodland Grove, Dewsbury Moor, Dewsbury, WF13 3PE**

**ADDITIONAL INFORMATION RECEIVED FOLLOWING PUBLICATION OF AGENDA:**

Officers received additional information on 19<sup>th</sup> and 20<sup>th</sup> June 2023 in the form of a Noise Impact Assessment and Highway Statement. The submitted Noise Impact Assessment has been reviewed by officers and it has been concluded that it only partially addresses the first reason for refusal (with respect to noise), and as such the wording of reason for refusal 1 is amended as follows:

1. *The proposed use would have an adverse and detrimental impact on the residential amenity of the neighbouring occupants, specifically in relation to customers visiting the site, which is located directly adjacent to dwellings, resulting in views into gardens and habitable rooms, thus resulting in a detrimental and harmful loss of privacy for occupants of the neighbouring dwellings. To permit the development would be contrary to policy LP24 of the Kirklees Local and Paragraph Chapter 12 of the National Planning Policy Framework.*

In respect of highway safety and the submitted Highway Statement, Officers have reviewed the statement and consider that reason for refusal 2 still stands due to the following reasons:

- To address the visibility issues onto Heckmondwike Road the applicant is proposing to pursue and fund a TRO. This is a separate legal process which cannot be solely relied upon. Should it fail to be accepted and not implemented then the parking issue would remain and the issue of visibility onto Heckmondwike Road would remain.
- The removal and setting back of the fence on the adjacent properties does not fall within the red line boundary of the application site so it is unclear if this can be achieved without confirmation that notice to this effect has been served on the property and if they are in agreement to accepting this.
- With regards to TRICS data submitted in the report referring to trip rates, this has been summarised that the proposed garage will generate 4 two-way vehicular movements in the AM peak period and 1 vehicular movement in the PM peak period. This is considered to be an intensification of the current situation of no more than 1 vehicular movement in the AM and PM peak periods respectively.

No other matters relating to access width, internal parking provision and service vehicle access/manoeuvrability within the site have been addressed and therefore officers still consider the proposal unsuitable from a highway's perspective. On this basis, reason for refusal 2 remains as originally set out within the Committee Report.

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**Outline application for erection of 15 dwellings with new highway access and parking**

**Healey Lane, Batley, WF17 8BN**

**10.0 APPRAISAL**

Impact on Highway Safety

10.17 Officers have liaised with Engineers in the Highways Design & Road Safety Team to form a plan to show members what the traffic calming measures would be if implemented. They would consist of 3no round top road humps along Healey Lane. As stated in paragraph 10.17 in the Officer Report, a contribution of £35,000 from the developer to provide these works has been agreed. Highways Development Management consider that the humps would remove the majority of the highway safety concerns associated with the access when fully completed, thus, the scheme is considered to accord with Local Plan Policy LP21, the Highways Design Guide SPD and Chapter 9 of the NPPF.

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