

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

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

05 DECEMBER 2024

Planning Application 2023/91116

Item 11 - Page 11

Erection of 77 dwellings, with access from Darley Road and associated works

Land off, Primrose Lane, Hightown, Liversedge, WF15

Correction

The report recommendation includes Section 106 contributions towards sustainable travel. This includes a £20,000 provision towards bus stop improvements, which the report incorrectly states would be “on Meltham Road”. This road name is incorrect, and should read “on Halifax Road”, as is correctly identified elsewhere throughout the report.

The recommendation is therefore (partially) amended to read:

Sustainable travel: £69,385.50 towards Sustainable Travel measures (including £39,385.50 for sustainable travel fund (such as Metrocards), £20,000 towards bus stop improvements (on Halifax Road) and £10,000 towards travel plan monitoring).

Councillor comments

Local ward councillor David Hall has requested that the following statement be noted:

Given that this site is designated for housing in the Local Plan, my concerns are based mainly on the S106 agreements.

I am pleased that there will be restrictions on parking around the Halifax Rd/Ripley Road junction, as this is already a major problem, particularly for cars exiting Ripley Road. Care must be taken to ensure that the existing disabled bays are considered.

I fear that the imposition of double yellow lines along Darley Road will mean many people lose their on-street parking outside their house. Is there enough alternative parking on the estate to cope with this? The impact of traffic along Darley Road was one reason I proposed a second site entrance off Lower Hall, although this has now been discounted.

The report mentions that there will be some houses for affordable rent. I am opposed to this, as we have sufficient houses for rent in the area, and I would prefer these as low-cost starter homes for sale so that local families can get onto the housing ladder.

May I thank the committee for taking the time to visit the site? They will have seen the limitations of Darley Road, but the number of parked cars is greater on an evening and I hope they will take this into account when making a decision today.

Members will be aware that Cllr Martyn Bolt (Mirfield ward) sent the following email to members of the committee on 02/12/2024:

The planning application on your agenda interested me as it was adjacent to the Greenway, and initially as it said Primrose Lane I wanted to check which part it was

As it has gone through all the process so far, please can officers clarify where Meltham Road is on this estate as its not one I am familiar with, especially one having bus stops and getting 20,000?

“Sustainable travel: £69,385.50 towards Sustainable Travel measures (including £39,385.50 for sustainable travel fund (such as Metrocards), £20,000 towards bus stop improvements (on Meltham Road) and £10,000 towards travel plan monitoring).”

Is it a bus stop or a bus shelter, as when Kirklees failed to secure these following major developments in my ward, I was told by WYCA that this council had not requested stops and also RTI

If Kirklees is serious about encouraging bus usage it needs to make it comfortable for passengers to wait for a bus in this weather, and have the info in real time

If it doesn't include this, perhaps a member of the committee might like to propose it does, and the developer pays.

Also, in this

“Sustainable travel: £69,385.50 towards Sustainable Travel measures (including £39,385.50 for sustainable travel fund (such as Metrocards), £20,000 towards bus stop improvements (on Meltham Road) and £10,000 towards travel plan monitoring).”

Please can officers clarify if Metrocards still exists as I seem to recall they have been replaced by another product, if so, surely a legal agreement needs to be accurate

Please can officers give members some idea of how such conditions have fared on other developments how many have been taken up by the residents and crucially has any money been returned to a developer if these cards are not taken up

I note travel plan monitoring is mentioned, those who were on the committee when Mirfield 25 was passed and amended may wish to know that I am unaware of the existence of a travel plan officer and any monitoring, which were conditions you agreed to facilitate this contentious and problematic development, Is this committee going down the same rabbit hole, by approving something which is never delivered

From bitter experience I would draw members attention and urge caution to clause such as

10.83 There are a number of PROWs within the vicinity of the site, including footpaths SPE/110/20 and SPE/116/20 that runs along the eastern and southern site boundaries respectively, and Public Bridleway SPE/111/120 on Primrose Lane along the western site boundary. The Spen Valley Greenway also runs along the northern site boundary, which forms part of National Cycle Network Route 66. The application incorporates a number of improvements to the PROW network within the vicinity of the site, which includes the following: • A 3m wide active travel link has been proposed from the proposed estate road to the Spen Valley Greenway to the north. This link is proposed at 3m wide and with a maximum gradient of 1:12. This link is welcomed and is considered acceptable in principle. However, the detailed design of the link would need to be secured by condition, which would need to include the provision of adequate junction visibility at the connection with the greenway (this point has also been identified as an issue in the Stage 1 RSA).

Again, the Mirfield 25 plans showed such “mitigation”; however, the 3-meter-wide shared cycle lane and other elements were withdrawn from the development without consultation by officers. so, when a committee is giving its decision and approval, I suggest you are responsible and need to ensure that what you are telling the public will happen DOES happen, and can't be quietly taken out if a developer asks the officers

“• Two footpath links are proposed along the eastern site boundary, which connect the site to Public Footpath SPE/110/20. These links are welcomed and are considered acceptable in principle, with technical details to be provided via condition. “

Members may wish to ask what the backlog for rights of way matters is, and demand that such matters are resolved therefore BEFORE any other works, or as in Mirfield the developer sells houses and walks away with links to the network incomplete and Kirklees can't do anything about bit.

“The applicant has agreed to improve footpaths SPE/110/20 and SPE/116/20 that run along the eastern and southern site boundaries respectively, which includes widening the footpaths from circa 1.2m to 2m, and to providing a crushed limestone surface to both widened footpaths. These improvements are welcomed and are considered acceptable in principle. “

Why doesn't this appear in the decision and S106 as a legal agreement

Interestingly Kirklees say

"10.85 As noted, the site is well positioned to make use of the Spen Valley Greenway. A condition securing cycle storage facilities, per unit (including apartments), is recommended to promote cycling as a viable alternative method of travel. "

Recommended condition but again not one with details members can see before considering their decision

What storage facilities will Kirklees recommend or demand, as from experience I wouldn't take up cycling if it meant leaving my means of transport to work or education outside on one of these hoops, which are open to the elements and vandalism

Having seen a failure to deal with errant, and rapacious developers I hope this committee will take steps to make sure that its decisions and understandings are carried out in full

Planning Application 2023/91212

Item 12 – Page 55

Erection of 21 dwellings with access from Laithe Avenue

Land off, Bankfield Drive, Holmbridge, Holmfirth, HD9 2PH

Correction

Paragraph 10.10 of the committee report incorrectly describes the unit size mix of the development's affordable housing element. 2x 2-bed and 1x 3-bed affordable units are in fact proposed (as correctly described in the officer's recommendation and at paragraphs 10.106 and 10.107).

Representations

In addition to the 121 representations noted at section 7.0 of the committee report, a further 37 representations have been received, bringing the total to 158.

The further representations reiterate earlier concerns (summarised at paragraph 7.3 of the committee report), particularly with regards to:

- Principle of development
- Loss of green space
- Quantum and density of development
- Design and relationship with site context
- Neighbour amenity
- Affordable housing
- Highway safety
- Traffic

- Drainage and sewerage
- Biodiversity
- Existing boundary and retaining walls
- Damage to neighbouring properties
- Amendments do not address earlier concerns
- Non-compliance with development plan
- Accuracy of applicant's submissions
- Members should visit the site

A resident has additionally asked for hours of works to be limited to between 08:00 and 16:00.

Councillor comments

Cllr Jane Rylah made the following comments:

Thank you for your email letting me know the date the 2023/912212 Bankfield Drive application will be discussed at the Planning Committee. Although I haven't been a Kirklees Councillor throughout the planning application, my role as a Parish Councillor has enabled me to discuss this development with residents and attend public meetings.

I recognise that there are many residents who have reservations regarding the development, and I share some of their concerns. I am however pleased to see the plan for the Dobb Top Road/Bankfield Drive junction improvements which hopefully will lead to a safer area for vehicles at this junction.

I would like to register my concerns regarding the safety of pedestrians, particularly children on their way to school and back. If the committee supports this application I wonder whether it would be possible to attach conditions so that further road safety measures could be added.

Cllr Moses Crook made the following comments:

I would be grateful if my ward Cllr concerns could be shared with committee since I am unable to attend in person (I don't think).

After supporting residents extensively during the early stages of the process, through ward forums, surgeries, site and resident visits, lobbying for Highways safety/junction improvements (now included in the scheme) and footpath upgrades (now completed), I had not recently been contacted by residents but have been lobbied again today at another ward surgery.

I would like to register that a number of my constituents do remain concerned about the Highways safety implications resultant from the increase in housing and corresponding traffic here and I do recognise this position. There is clearly an accident hotspot at the bottom of Bankfield Drive/Laithe Bank Drive and I do want to register my concern in particular with respect to pedestrian safety. I wonder if committee might consider (if they do decide to support the development) adding conditions to further improve safety or to monitor any issues so that further measures could be included as part of s106 obligation if needed.

Cllr Damian Brook made the following comments:

I have received notice of planning application 2023/91212 – Land off, Bankfield Drive, Holmbridge.

I am writing to express my concerns with regard to this proposal and to question the decision making which has resulted in officers supporting this application.

On Friday 22nd November I attended the location, the weather was typical for this village located on the edge of the Peak District National Park.

The roads leading to the locality were treacherous and icy with a thin covering of snow and ice. The roads are notably insufficient for current traffic levels and a great deal of patience and common sense is required to negotiate the narrow highway, courtesy is also a must, vehicles must accord precedence to both vehicles and pedestrians due to the lack of pavements.

I am a former Police Officer and I am both advanced driver/advanced motorcyclist trained, I rely on these nationally recognised qualifications for my conclusions.

The access to this location (via Smithy Lane and Dobb Top Road) requires a great deal of care when driving and the narrow carriageway and lack of pavements presents a significant risk to pedestrians, the factors were also heightened by the slippery surfaces on the day, this would be further worsened in the hours of darkness. Vehicle capability and drive-orientation such as 4x4 would also be a factor when considering traction on the surface especially when descending the steep access roads which are the only route to the site.

Vehicles were ‘abandoned’ along Dobb Top Road, and after making local enquiries it seems that residents from the estate above, who are unable or unwilling to attempt the steep climbs of Laithe Bank Drive and Bankfield Drive do this routinely in winter months. This added to the narrowing of the highway and effectively blocked an essential passing-point just prior to the junction with Smith Lane.

I noted a grit-bin at the foot of Laithe Bank Drive which is the less steep of the 2 estate roads, residents had attempted to scatter rock-salt but this had poor surface coverage.

The roads from the estate are steep and leave no margin for error when descending onto Dobb Top Lane, the wall opposite these roads appear to have been rebuilt on several occasions when studying the stone structure.

During my visit I noticed a Range Rover motor vehicle attempt to traverse Bankfield Drive, this was unsafe as the vehicle could not keep to the appropriate side of the road and this also resulted in the vehicle blocking the road as it lost traction (image below).

*An application for the site was made in 1992 refused, appealed and again refused, this was based upon Road Safety grounds and which were documented in April 1993, the summary can be seen at *22 of the document attached, this concludes that development 'would lead to an increased hazard for other road users and pedestrians, and that the danger would be sufficient to warrant dismissal of the appeal', a comment which I regard as well founded.*

I would ask you to consider "what has changed" since the report and would also add that the demand on these traditional village roads has increased hugely since 1993. It would follow that safety has also worsened by virtue of traffic volume. Little or no investment has also taken place on this road and the lack of pavements leaves pedestrians walking on the highway and into direct conflict with moving vehicles.

*The report from 1993 is also dated April 28th and it is unclear if winter factors were considered in detail, it does however place concerns of 'danger' over the sites inclusion within the local plan which can be noted at point *10.*

I also recently received an Email (25th November 2024) from the Councillor Enquiries Team, addressed to 'all Councillors'. It is apparent that refilling grit bins are now beyond standard budgetary capability, and that after the initial seasonal drop, no 'topping up' will take place. Councillors can literally 'purchase road safety' from Ward budgets at the cost of £138.50 per bin refill, I find this very troubling indeed. The proposed site is not on a gritting route and relies upon these grit bins and residents application of grit.

I have grave concerns about the highway safety for both vehicle users and pedestrians and would ask my objection as Ward Councillor for the area be noted.

A copy of the appeal decision dated 28/04/1993 (regarding appeal APP/Z4718/A/92/217120 and application 92/04281) was attached to Cllr Brook's comments. A photograph of a Range Rover vehicle on Bankfield Drive (taken 22/11/2024) was also included.

Ecological considerations

Regarding the point (raised by a resident) that urban trees within gardens should not have been counted in the applicant's Biodiversity Metric calculation, the applicant's consultant has accepted this, and intends to provide an updated calculation and accompanying report. This may mean that the biodiversity contribution noted in the case officer's recommendation would need to be increased, although it is unlikely this would change by a significant amount. It is recommended that authority to resolve this matter be delegated to officers.

Regarding the concerns (again raised by residents) that the applicant's ecological surveys have not mentioned certain species including owls, kestrels, and sparrowhawks, the applicant's consultant has stated that their work is factual and evidence based, and that anecdotal evidence is not considered sufficiently robust to base any conclusions upon. The consultant

accepts that such surveys, by their nature, represent only a brief snapshot in time captured for the duration of the survey, and that local residents have a longer “exposure time”, and see things that are there at other times, whereas consultants can only report on what they find when they visit sites.

Officers consider the applicant’s survey effort to be proportionate and sufficient to inform the council’s decision on the application. While residents’ information (regarding species seen at or around the application site) is not disputed, no evidence currently before the council confirms that the named species nest within the site, nor have adverse impacts upon these species been evidenced. KC Ecology raised no concerns regarding the applicant’s survey effort or the principal of development at this site (subject to conditions and the securing of a biodiversity net gain contribution).

Neighbour amenity

Further to paragraph 10.36 of the committee report, the resident of 4 Bankfield Drive has stated that a detached outbuilding within its curtilage accommodates a habitable room, and that this building has a window facing the application site. The resident has therefore stated that a 21m separation between it and the front elevations of units 20 and 21 should be maintained. Officers do not support this concern, given that the relationship between the existing and proposed buildings is not the typical scenario to which the advisory 21m separation would normally be applied. The 18m separation proposed here is considered adequate.

Regarding privacy and overlooking generally along the application site’s eastern boundary, it is noted that the “60-80cm” height (for the “native hedge mix” shown on the submitted landscaping drawing) refers to the height when planted. This hedgerow could be allowed to grow to a height that would provide a greater degree of screening. It is also noted that, on the development’s side of the hedgerow along part of the boundary, the applicant is proposing shrub planting (at 80-100cm when planted) which would mean new residents would not be moving around the site in close proximity to the common boundary. Trees are also proposed adjacent to parts of this boundary. All these measures, together with the setting of the new dwellings away from the common boundary, would help limit overlooking and losses of privacy. Officers are satisfied that enough has been proposed in this respect at application stage. This advice takes into account the level differences within and around the site.

Boundary with 4 to 10 Bankfield Drive

Further representations have been received regarding the existing dry stone wall that runs along the application site’s east boundary, to the rear of 4 to 10 Bankfield Drive. Residents have noted its condition, and have queried who is (and who would be) responsible for its maintenance.

The applicant has stated that their title deed does not include details relating to the application site’s boundaries. The applicant assumes a shared responsibility applies to the dry stone wall (unless deeds of neighbouring properties suggests otherwise).

Regarding the future maintenance of the dry stone wall, as is noted in the committee report (at paragraph 10.99), this is not crucial to the acceptability of the proposed development. The report advises Members that the queries raised regarding this wall are not a material consideration relevant to this application.

Planning Application 2023/92490

Item 13 – Page 111

Erection of 35 dwellings with associated access and landscaping (within a Conservation Area)

Former Dowker Works, Dowker Street, Milnsbridge, Huddersfield, HD3 4JX

Amended recommendation

For the reasons detailed in the below Road Safety Audit update section, officer's recommendation is hereby amended to:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Planning and Development in order to complete the list of conditions including those contained within this report and to secure a Section 106 agreement to cover the following matters:

- **Highways: £10,000 towards promoting a Traffic Regulation Order along Dowker Street.**
- **Management and Maintenance:** The establishment of a management company for the purpose of maintaining the shared green open spaces (including ecological management), the private parking areas and of infrastructure (including surface water drainage until formally adopted by the statutory undertaker).

In the circumstances where the Section 106 agreement has not been completed within three months of the date of the Committee's resolution then the Head of Planning and Development shall consider whether permission should be refused on the grounds that the proposals are unacceptable in the absence of the benefits that would have been secured; if so, the Head of Planning and Development is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.

The underlined section has been added.

Road Safety Audit update

It is noted within paragraph 10.63 that review of the applicant's Road Safety Audit was pending. It has now been received and assessed by K.C. Highways.

The Road Safety Audit identifies that vehicle parked opposite the proposed point of access, on the east side of Dowker Street, could conflict with refuse (or other HGV) vehicle into and out of the site. Furthermore, vehicles parked within the on-street parking bays to the south of the proposed access could interfere with vehicle sightlines out of the site.

The applicant proposes to seek a Traffic Regulation Order (TRO) to introduce double yellow lines within the vicinity of the new access, and make amendments to the restricted parking bay to the south of the access.

Officers are satisfied that the RSA and the applicant's response demonstrates that a safe access can be provided, although further discussions are required on the specifics of the applicant's design response. Nonetheless, officers are satisfied that such discussions can take place proposed condition(s) (see below) and/or as part of the TRO review process.

The proposed road restrictions would need to be subject to a separate TRO process (including a public consultation period). Therefore, the final extents of any restrictions that may be proposed/approved cannot be determined at this stage. The council's cost to promote and implement the TRO would need to be funded by the development. Therefore, a £10,000 contribution is recommended to be secured by Section 106 agreement for this purpose, which the applicant has agreed to.

In light of this, K.C. Highways (Development Management) have confirmed they have no objection to the proposal, subject to conditions.

Highway conditions

Following receipt and review of the Road Safety Audit, the conditions requested by K.C. Highways (Development Management), in addition to those already detailed in section 12.0 of the report, have been confirmed to be as follows:

- Technical road specification, including point of access, to be provided, approved, and implemented.
- Technical footpath specification (linking southern car parking court to George Street) to be provided, approved, and implemented.
- Parking spaces as shown to be provided prior to occupation.
- Details of cycle storage facilities to be provided, approved, and implemented.
- Construction Management Plan to be provided, approved, and implemented.
- Pre and post development road condition surveys to be undertaken.

Planning Application 2024/90357

Item 14 – Page 139

Removal of conditions 10, 12, 13, 14, 20, 33, 38, 39 and 40 and Variation of conditions 1, 19, 24, 29, 34, 36 and 37 of previous permission 2019/90949 for variation of condition 18. (crushing and screening operations) on previous permission 2013/90793 for mineral extraction

Land Adj, Thewlis Lane, Crosland Hill, Huddersfield, HD4 7AB

No update.