

**Name of meeting: STRATEGIC PLANNING COMMITTEE**

**Date: 27<sup>th</sup> January 2021**

**Title of report: Supplementary Mirfield 25, Leeds Road, Mirfield – Planning Compliance & Conditions Monitoring**

**The purpose of the report is to provide a supplementary update to Members of the Strategic Planning Committee, following comments made on the main report presented on the 16<sup>th</sup> December 2020**

**Electoral wards affected: Mirfield**

**Ward councillors consulted: No**

**Public or private: Public**

**Has GDPR been considered? Yes. There no GDPR implications.**

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## **1. Introduction**

This report is a supplement to the original report presented at the Strategic Committee on the 16<sup>th</sup> December 2020. A number of comments were made by members and the committee asked for a further report to be brought covering specific comments made. It was agreed at the committee the scope of this supplementary report would cover the following:

- A response to the issue concerning “mud on the road”
- Of the 14 “mud on the road” complaints when were they received and what actions were taken

## **2. Mud on the road**

- 2.1 For absolute clarification to the members of the committee “mud on the road” is not a breach of planning control, rather it is a separate offence under the Highways Act 1980 and is enforced by the Highways department and not the planning compliance team. It should be noted that the original report clarified that it was a report on planning compliance and did not cover matters dealt with under non-planning related legislation i.e. Highways Act 1980.
- 2.2 The purpose of planning compliance is to ensure that any planning conditions are being complied with and having regard to the relevant government guidance on enforcement specified in the original report. The presence of mud on the road does not mean that conditions are not being complied with. The relevant conditions imposed on the planning permission require the residential site to provide a road sweeper 2-3 times per day and the “provision” of a wheel (jet) wash. For phase 1 of the commercial site, to provide road sweepers.

- 2.3 As per the conclusions in the original report, these relevant planning conditions for both the residential and commercial site are being complied with, with the former being secured by taking formal enforcement action with the serving of a Breach of Condition Notice.
- 2.4 It was brought to the attention of members at the committee meeting that on that morning there was no wheel wash facility present on the residential site. The developer contacted the Council that day to inform that the wheel (jet) wash contains a reservoir stored with water for use, once this is spent it needs refilling and this is done away from the site entrance. This explains why the wheel (jet) wash was not at the entrance at the time. The planning compliance team were invited by the developer to visit the site anytime to see the wheel (jet) wash. An unannounced visit was carried out at 9am the following morning and the wheel (jet) wash was present and in use at the time washing the wheels of a road sweeper.
- 2.5 Further unannounced site visits have also been carried out by the Planning Compliance Team and the wheel (jet) wash was present on all of these visits. Therefore, as per the conclusions in the original report, there is no breach of planning control in relation to these complaints.
- 2.6 If following compliance with the relevant conditions still leads to mud on the road, this matter can be enforced by the Highways Department. The Planning Compliance team are working closely with colleagues in the Highways Department to ensure a resolution to this issue. As the relevant planning conditions are being complied with the matter is now being led by the Highways Departments Reactive Maintenance Team (HRMT).
- 2.7 The HRMT visited the site on the 22<sup>nd</sup> December 2020, to evaluate the condition of the road and to determine whether any offences under the Highways Act 1980 were evident. They found no issues with the condition of the A62 (Leeds Road).
- 2.8 HRMT have also set up a robust monitoring scheme for the site, carrying out daily site visits commencing 13<sup>th</sup> January 2021.
- 2.9 In addition, the Planning Department intend to review the wording of conditions used on similar developments in the future, to tighten restrictions on development sites in relation to potential deposits of mud on the highway in order to strengthen the planning compliance position.

### **3.0 Actions taken on the 14 breach of condition/mud on the road complaints**

- 3.1 Of the 14 complaints received alleging mud on the road/breach of condition, they were followed up with either site visits (often finding no mud on the road), contact made with the developer(s) and referrals to relevant departments (Highways) where necessary or a combination of those actions. The dates these complaints were received are below:

- 21/05/2019
- 23/06/2019
- 24/06/2019
- 25/06/2019
- 13/08/2019
- 22/08/2019
- 15/10/2019
- 28/01/2020
- 29/01/2020
- 15/08/2020
- 02/10/2020
- 04/10/2020
- 08/10/2020
- 25/11/2020

#### **4. Implications for the Council**

There will be no impact on the six main priority areas listed below

- Working with People
- Working with Partners
- Place Based Working
- Climate Change and Air Quality
- Improving outcomes for children
- Other (eg Legal/Financial or Human Resources)

#### **5. Consultees and their opinions**

Not applicable, the report is for information only

#### **6. Next steps**

Continue site monitoring of conditions/compliance

#### **7. Officer recommendations and reasons**

To note

#### **8. Cabinet portfolio holder recommendation**

Not applicable

#### **9. Contact officer**

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#### **10. Background Papers and History of Decisions**

See original report presented on the 16<sup>th</sup> December 2020 at the Strategic Planning Committee