

# KIRKLEES METROPOLITAN COUNCIL

## PLANNING SERVICE

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

30 NOVEMBER 2017

---

APPLICATION NO: 2017/92997

ITEM 15 - PAGE 65

**ERECTION OF 70 (OVER 55) RETIREMENT APARTMENTS COMPRISING OF FOUR BLOCKS, PROVISION OF A COMMUNITY BUILDING, ELECTRICITY SUBSTATION AND LAYING OUT OF INTERNAL ROADS, PARKING AREAS AND GREENSPACE AND ASSOCIATED INFRASTRUCTURE.**

**LIDL, STATION ROAD, MIRFIELD.**

#### Pollution and Noise Control

The application has been assessed by Pollution and Noise Control (Environmental Health) and they have considered the comments made by the Canal and Rivers Trust.

The existing boat yard lies adjacent to a housing development and Pollution and Noise Control have confirmed that there has not been a noise complaint for at least 10 years. In addition, a similar residential development has been granted on the adjacent site on the same side of the canal as the proposal. Consequently, whilst Pollution and Noise require additional information to ascertain noise levels from surrounding properties; they are satisfied that mitigation measures can be incorporated in order to address noise impact so that residents indoors and outdoors will have an acceptable level of amenity.

Pollution and Noise also confirm a number of additional conditions relating to Air Quality and Contaminated Land.

#### Representations

Existing representations received are detailed in the officer report. Most of these comments have been addressed in the officer report. However, the following comments from objectors are addressed in this update:

*I understand the proposed development is for a closed fenced, gated settlement. This would be anti-social because it would cut residents off from their neighbours and fellow citizens and increase fear of crime in the community. Door entry systems would provide adequate security for residents. If protection is wanted for parked vehicles this should be provided by garages or by compounds with resident-controlled access, the canal provides growing amenity for the town centre. Until fencing enclosed the site, easy access was available via a walkway from Mirfield Library Car Park and along a path provided by Lidl from its car park to the towing path. Access is*

*still available from Station Road and from Newgate. However in the former case this is via a steep ramp or awkward steps and in the latter via a narrow cobbled way under Newgate Road Bridge. These are unsuitable for families with children in buggies and for those with disabilities. Easy access should be retained to facilitate full public enjoyment of this amenity.*

Officer response – The applicant proposes improvements to the canal towpath which will improve the quality of the canalside environment for users of the towpath.

*- The proposed buildings, especially that nearest the canal, would, because of their height and bulk, be overbearing and out of character with those in the town centre and nearby areas. High buildings in this location would also militate against public amenity by restricting views of the canal and across the valley. Traffic from the development (and from the recently completed Lidl Store) would cause problems on Station Road. These could and should be alleviated by using a narrow strip of land between Bull Bridge (over the canal) and the Library Car Park entrance. This appears to be in the ownership of the developer and/or Kirklees Council. It appears there would then be room for an additional traffic lane to link with that which already exists for left-turning and straight ahead traffic movements at the traffic lights/A644 Junction. The costs of this could and should be met by the developer. Landscaping proposals are unclear. There are small trees on the site which should be retained or replaced as part of a landscaping scheme.*

Officer response - The height of the buildings proposed is acknowledged but overall it is considered that the scheme would make a contribution to the local area and improve the canalside environment. The application has been assessed by Highways DM and no objections are raised. Finally, a condition is proposed requiring the submission of a landscaping scheme.

*- There should be provision for maintaining the landscaped area(s). If these matters are adequately addressed I would support the re-use of the site for residential purposes.*

Officer response – landscaping within the site would be subject to a management plan which would require landscaping to be maintained. The applicant has confirmed that the development would be subject to maintenance by a private management company.

### Additional Objection

An objection has been received from Mirfield Health Centre:

*We would like to understand what assessment has the developer undertaken to ensure the increase in population has on the local healthcare provision?*

*The only GP practice in the local area would have grave concerns on the significant population increase this new development would pose on its resources in terms of appointment availability and home visit requirements.*

*The practice would propose a discussion and assessment of this development and as a minimum impose a levy under the community Infrastructure Levy and planning obligations to help support its infrastructure should approval be granted.*

It is understood that the concern relates not only to the increase in population as a consequence of development, but the increase in pressure on the health centre due to the restricted age group associated with the proposed development

There is no policy or supplementary planning guidance requiring a proposed development to contribute to local health services. However, PDLP policy PLP49 identifies Educational and Health impacts are an important consideration and that the impact on health services is a material consideration. As part of the Local Plan Evidence base, a study into infrastructure has been undertaken (Kirklees Local Plan, Infrastructure Delivery Plan 2015). It acknowledges that funding for GP provision is based on the number of patients registered at a particular practice and is also weighted based on levels of deprivation and aging population. Therefore, additional funding would be provided for the health centre based on any increasing in registrations at the practice.

Long-term funding of health facilities is being considered as part of the Local Plan and Community Infrastructure Levy (CIL).

Notwithstanding the above and the lack of evidence to support a contribution being necessary in this case; the applicant has submitted a viability appraisal and any contributions towards infrastructure would deem the current proposal unviable.

#### Highways and Waste Collection

The Council Waste Recycling and Transport department have commented on the scheme and raise concerns in terms of the number of refuse bins proposed. They also raise concerns in relation to the position of the internal bin stores and the distance bins would have to be carried to refuse HGV's. The applicant has been asked to clarify the position and potentially make adjustment to the submitted plans to satisfy the requirements of waste collection.

Comments on the additional information provided had not been received at the time of the update.

#### Recommendation

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment in order to complete the list of conditions including those contained within this report and in order to resolve outstanding matters relating to external bin provision and storage areas.

In addition to those conditions contained in the Strategic Committee report, the following conditions are proposed:

*Finished floor and ground levels*

*Details of surfacing of internal paths*

*Crime Impact and Mitigation Strategy*

*Landscaping which shall include a strategy for maintenance*

---

**OUTLINE APPLICATION FOR ERECTION OF RESIDENTIAL DEVELOPMENT (62 DWELLINGS) AND FORMATION OF NEW ACCESS TO WOODHEAD ROAD****LAND OFF WOODHEAD ROAD, BROCKHOLES, HOLMFIRTH.**Updated Information

With reference to page 101 para 9.30 d) & e) of the Strategic Committee Report; to address these sections of the report the applicants highways consultant SCP have submitted an updated plan, ref: SCP/17093/F04 rev. C which now details a central island to the south of the proposed access with central hatching reducing the carriageway lane widths. Based on the limited information provided to support the proposed layout Highways Development Management considers that the reduction of lane widths on a sweeping bend surrounded by dense foliage, thick tree canopy and with the approach being featureless, motorists and cyclists would not expect the provision a central island at this location and as such this is considered detrimental to highway efficiency and safety.

Other consultee responses

Whilst there are a number of outstanding consultee responses; all other outstanding matters apart from highways issues were dealt with as part of 2016/92181. Conditions could be imposed to cover drainage and flood risk details. A contribution would be required for off-site public open space; this figure has not yet been determined.

Additional Representation from Councillor Greaves

*I am opposed to this application as I believe that the location of the junction is just too close to the woods to be safe, regardless of how many houses it would serve.*

*In my view there is nowhere along the applicants site frontage to Huddersfield Road that could provide a suitable access point. Either they need to come in from New Mill Road, or they need to share access with the other part of the POL site. The worst outcome of all would be two estate junctions close to one another.*

*There are highways issues connected to this POL site, and developer money needs to be spent on improvements for pedestrians on Huddersfield Road, Smithy Lane and to the Post Office crossing on New Mill Road (the access to the shops, play space, school and train station). The applicant has agreed to works on Huddersfield Road and Smithy Place, but not to New Mill Road - they do not want to fund changing the crossing to traffic light controls. This is a high value, high profit site and the developer can easily stand the additional cost of providing this infrastructure (estimated by Highways at £60,000 due to the complexity of the location) - as things stand there is no other way of providing it.*

*In regards to the other POL site - whilst they have a suitable point of access the current internal road design is not drivable, and the design in their new application is for a massive structure (totally at odds with the setting of the site) to overcome this.*

*Whilst I am happy to see the whole site left undeveloped, the only way that this POL site can be developed properly is if both developers work together on a joint proposal. One shared access point would save substantial costs for the development of the site, and a shared housing and street layout would enhance the look of the development.*

*I would ask that the Committee refuses this application, and that the Council sends a clear message to both developers that they need to work together, and that they need to work with the local community if they are going to build here.*

---

**PLANNING APPLICATION: 2016/92298  
POSITION STATEMENT**

**ITEM 17 - PAGE 107**

**OUTLINE APPLICATION FOR RE-DEVELOPMENT OF FORMER WASTE WATER TREATMENT WORKS FOLLOWING DEMOLITION OF EXISTING STRUCTURES TO PROVIDE EMPLOYMENT USES (USE CLASSES B1(C), B2 AND B8).**

**FORMER NORTH BIERLEY WASTE WATER TREATMENT WORKS,  
OAKENSHAW.**

**Additional representations:**

A further 17 letters of objection are received. The concerns of which are summarised below:

- The mini roundabout will be difficult for large vehicles to negotiate. It is extremely close to school entrance and crossings and will be a potential hazard to pedestrians.
- "Proposed site entrance is the scene of many accidents"
- There are existing units available in Cleckheaton, the Euroway and Low Moor
- High Pressure gas pipeline and overhead cables on the proposed site
- Loss of Green Belt and loss of animal habitat (bats, newts etc )
- Effects of disturbing asbestos believed to be on the site from the old Mintex/BBA site
- "Do Highways have recent figures on the amount of traffic using Bradford Road, Mill Carr Hill Road, Cliff Hollins Lane – and not counts that are taken in the school holidays".
- "How many thousands of vehicles will be entering/leaving Woodlands Village on a daily/weekly basis"
- noise impact from HGV's
- Forecasted nos. of jobs to be created will not be an accurate figure as many of the jobs are not new jobs, people travel from other sites/places etc. An example of this would be Spring Ram when they said 2000 jobs would be created – they were granted planning permission on Green Belt Land off Mill Carr Hill Road and the 2000 became less than 1000 jobs.

- Major reduction in air quality from the increase in commercial vehicles in the area.
- History of incidents and accidents caused by the already high volume of traffic travelling along Bradford Road, with a number of HGV causing traffic chaos and grinding the entire area to a complete halt and being gridlocked for an entire day
- Will increase number of accidents, highway safety issues,
- Surrounding highway infrastructure with proposed improvements not suitable for HGV's
- Loss of existing footpath in front of bungalows on Cliff Hollins Lane to accommodate proposed realigned access into site.
- Concerns relating to car park would result in loss of green space, entrance would be on blind spot, drainage issues of this area

### **Additional information received from agents:**

#### **Contaminated land issues:**

The final Phase 1 report requested by Environmental Health Officers was received on 28<sup>th</sup> November.

Whilst the phase 1 reports are currently under consideration Officers are of the opinion that contaminated land issues could be satisfactorily addressed for the proposed development on this site by the use of a full range of standard contaminated land conditions including remedial and validation conditions.

#### **Noise:**

With regards to noise further noise data is received in response to Environmental Health Officers request as set out in the agenda. This is under consideration. Subject to concerns being satisfactorily addressed through appropriate mitigation measures, it is considered that noise issues can be fully addressed.

#### **Air Quality:**

The new Air Quality Impact Assessment now includes damage costs as requested previously by Environmental Health Officers.

On assessment of this Environmental Health officers advice:

The costs have not been allocated against any mitigation projects and as such have not offset the impact from the development, in accordance with the West Yorkshire Low Emissions Strategy (WYLES). Instead the report writer has used local WYLES guidance to construct the report and damage cost, but then used national guidance to argue that there is not a need to spend this money.

However, Officers are of the opinion it would be necessary for the damage costs (£71, 370) to be spent on low emission projects, in addition to electric charging points. This could be secured through a Section 106 (Unilateral Undertaking) demonstrating low emission projects to be incorporated into the proposals with a clear indication of the costs reflecting the above damage costs.

**Highways:**

Highway Officers have obtained updated accident data up to October 2017 and confirm that other than those referred to by the agents, one other incident was recorded. This was along Cliff Hollins Lane, north east of the site and recorded as a slight incident.

**Economic:**

Finally the agent has provided the following predictions in the level of investment and numbers of jobs anticipated to be created by the proposals:

Expected job creation up to 125 FTE jobs during construction phase on site and wider area;

up to 388FTE once operational in local area, increasing to 770FTE jobs in wider area (ie direct and indirect benefits)

Expected GVA growth £32.8m once operational.

---