

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

17 MAY 2018

Planning Application 2017/93459

Item 16 – Page 73

Erection of 19 dwellings, formation of associated access and erection of protective post and mesh cricket fencing (minimum 12m in height)

Land south of, Swallow Lane, Golcar, Huddersfield, HD7 4NB

1. Point of clarification

- 1.1. Paragraph 7.3 states that discussions on affordable housing are still ongoing. This is no longer the case and as such, this is superseded by the content of paragraph 10.70 which contains full details of the proposed affordable housing provision; this states that 3 'Starter Homes' are to be provided on the site making the proposed development policy compliant from this perspective.

2. Update

- 2.1. The S106 agreement required in order to secure the 3 Starter Homes on the site, in accordance with paragraph 10.70, is now in agreed form and engrossed for signature.
 3. One further representation has been received. This is on the grounds of highway safety and in particular congestion on Swallow Lane. The representation contains photographs of the congestion along Swallow Lane. Highways DM have reviewed this representation. The issue of highway safety has already been addressed in the main assessment and Highways DM maintain their position that the proposed development would have an acceptable impact.
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Erection of 19 dwellings (C3) with associated parking with vehicular access

Rough Nook Farm, 112, Mill Moor Road, Meltham, Holmfirth, HD9 5LW

As per the previous committee resolution, the S106 is to include a third matter:

3. An easement over the land edged blue on the location plan where it is adjacent to Meltham Dike in order to facilitate the provision of a continuous footpath (riverside walk) in the future.

Erection of veterinary hospital

Land at, Somerset Road, Almondbury, Huddersfield, HD5 8HN

Highways:

On further review of the sightline to the right of the access (when exiting the site), Highways Development Management have accepted a slightly reduced sightline of 4.3m x 35m instead of the originally proposed 4.5m x 35m.

The applicant has provided some clarification in response to some of the issues raised by the PROW team. It remains the case that a condition is necessary to secure an acceptable PROW layout and design.

Trees:

The applicant has now provided clarification in relation to the impact on the area of protected trees that fall within the visibility splay to the right of the access (when exiting the site).

It has been confirmed that the required sightline would result in the loss of three protected trees although these are all category C trees i.e. trees classed as being of low quality with an estimated life expectancy of at least 10 years.

A slight modification to the sightline, as mentioned above, has meant that none of the main trees within the woodland group would be affected. The arboricultural officer is satisfied that the loss of the trees would not result in any long term detrimental effects to this area of protected woodland.

The relatively limited loss of trees within the sightline is accepted when balanced against the overall benefits of the development and the need to provide safe access arrangements.

Drainage:

Further comments have been received from Kirklees Lead Local Flood Authority (LLFA).

The LLFA has suggested that the position of Penny Spring Beck, which, according to council records is assumed to cross the south western corner of the site close to the access, is verified in order to ensure that it would not be impacted upon by the location of the proposed building. The LLFA have also highlighted that historic maps indicate that there was a tributary to Penny Spring Beck that crosses the site and its presence/absence should be investigated.

This matter has been raised with the applicant. Based on the detailed assessments of the site already undertaken by the applicant there is nothing to suggest that the position of Penny Spring Beck deviates from the south western corner of the site and as such it would be adequately separated from the proposed building. There is also nothing to suggest that the secondary tributary still exists and it is likely that this has been diverted at some point in the past.

The LLFA have advised that comments are obtained from the Environment Agency in respect of the potential for contamination associated with the proposed use of soakaways for the disposal of surface water. Comments are awaited from the Environment Agency on this matter.

The recommendation is therefore amended to enable officers to obtain the views of the Environment Agency on the use of soakaways. If there are objections to soakaways that cannot be overcome then an alternative means of surface water disposal will be necessary. The alternatives would firstly be to watercourse (Penny Spring Beck) and then main sewer. There is ample space within the site to provide attenuation for surface water.

RECOMMENDATION:

DELEGATE approval of the application and the issuing of the decision notice to the Head of Strategic Investment subject to the surface water drainage scheme (soakaways) being acceptable to the Environment Agency and in order to complete the list of conditions including those contained within this report.

In the event that soakaways are not acceptable to the Environment Agency delegate approval to officers to secure an alternative method of surface water disposal and complete the list of conditions including those contained within this report.

Erection of 21 dwellings**Land adjacent to 8 Miry Lane, Netherthong, Holmfirth, HD9 3UQ***Highway issues*

Based on feedback he has received from residents of Netherthong, Cllr Nigel Patrick has suggested that, instead of the £10,000 contribution towards road safety training and sustainable transport initiatives currently included in the officer's recommendations, a larger contribution should be secured to pay for an external highways consultant to carry out a village-wide assessment of traffic in Netherthong. This would study flows around the village and congestion, and would include recommendations as to what pedestrian safety measures are needed. Based on the findings of this assessment, Cllr Patrick has suggested that the council would then be able to secure funding for appropriate highways works from other, future applicants. Cllr Patrick believes this idea would be of more benefit to Netherthong, and would not only benefit the part of the local community connected with Netherthong Primary School. Cllr Patrick has asked officers to provide an approximate figure for the cost of commissioning an external consultant to carry out this assessment.

Officers have considered this suggestion, beginning with an assessment as to whether such a planning obligation would pass the three tests set out at Section 122 of the Community Infrastructure Levy Regulations 2010. These state that planning obligations can only be secured where they are a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.

The suggestion made by Cllr Patrick is not considered necessary to make the development acceptable in planning terms as the application has been assessed by Highways Officers and has been the subject of a Transport Assessment both finding the development can be accommodated within the local highway network without significant adverse effects. In addition the site layout can, subject to planning conditions be made safe and constructed to an adoptable standard. Therefore fails to comply with the Regulations. It cannot, therefore, be secured by the council in relation to the current planning application.

Planning obligations

Paragraph 10.60 of the committee report noted that the Head Teacher of Netherthong Primary School had confirmed her interest in the suggested road safety and sustainable travel initiatives. Having considered the Modeshift STARS scheme further, however, the Head Teacher has recently advised:

"I am not convinced that this is something that the school would greatly benefit from. As you know, we already do Road Safety and Bikeability and we operate our Drop and Go scheme effectively. The issues are more around traffic in the village and the roads and footpaths around the village not being suitable for a Walking Bus".

These points are noted, and it remains the case that the school would not be compelled to participate in delivering road safety and sustainable travel initiatives if a relevant financial contribution was secured in connection with this planning application. It also remains the case that such initiatives can be delivered by a variety of organisations, and not only schools.

It is, however, recommended that the planning obligation (of a £10,000 contribution towards road safety and sustainable travel initiatives) should still be secured. This may be used by the council to implement another form of road safety improvements in the vicinity of the school and/or on pedestrian routes to the proposed development, may be used by other organisations (such as local community groups, or charitable organisations involved in road safety initiatives), or may be drawn on by Netherthong Primary School in the future, should the school's interest or circumstances change.

Further representations

Since the publication of the committee report, further responses from the occupants of two properties have been received. The main points raised are summarised as follows:

- Proposed contribution of £10,000 pays mere lip service to what is required. In addition, applicant should be required to fund a village-wide highways safety assessment. Traffic calming measures, double yellow lines, a one-way system and a 20mph speed restriction should be introduced.
- Developers should be responsible for repairing damage to roads caused by their vehicles.
- Consideration should be given to impacts upon the most direct route to Holmfirth (via Out Lane and New Road), to Wakefield and Sheffield (via Giles Street and Thong Lane), and impacts upon the section of Miry Lane between the application site and Oldfield. Impacts on workmen working in the highway should also be considered.
- Local school is full.
- Car journeys would increase.
- Ecological impacts. Species list from Yorkshire Ecology is incomplete and out-of-date.
- Density would be quadrupled.
- Insensitive size of development, inappropriate site, and inadequate infrastructure.

Highways Development Management officers have additionally requested that the Construction Management Plan (which is recommended to be secured by condition) should also include controls on vehicle sizes and routes, times of movements (to avoid the start and end of the school day), signage, temporary drainage arrangements and road conditions surveys.

Prior approval for change of use from office (B1) to 11 apartments (C3)

Green Lane Mill, Green Lane, Holmfirth, HD9 2DX

Cllr Patrick

Cllr Patrick has been re-consulted regarding the additional Highway Statement which has been submitted along with the offer of a planning obligation of £10,000 towards highway safety improvements.

Cllr Patrick has considered the contents of the Highways Statement and the proposed planning contribution however he does not consider that this would address his concerns set out in section 1 of the published committee report.

Noise

Further to that set out in the published committee report, an assessment of impacts of noise from commercial premises on the future occupiers of the development needs to be carried out for Class O applications. The application has been assessed by Environmental Services who raise no objection in relation to noise as the closest commercial use is separated from the application ensuring that no additional mitigation would be necessary. The proposal would therefore accord with Policies EP6 of the UDP, Policy PLP52 of the draft Local Plan and Policies in Chapter 11 of the NPPF.

Recommendation

It is brought to Members' attention that as the proposal is for prior approval under The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 3, Class O a decision has to be made within a time frame agreed with the applicant. If this does not occur then the application is 'deemed' to have been approved and development can lawfully begin.

In light of the above, the published recommendation has been updated to reflect this position as a section 106 agreement will have to be completed within an agreed timeframe.

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 to secure a S106 obligation to cover the following matters:

A contribution of £10,000 towards highway safety improvements in the locality.

In the circumstances where the S106 agreement has not been completed within a timeframe agreed with the applicant then the Head of Strategic Investment 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 Strategic Investment is authorised to determine the application and impose appropriate reasons for refusal under Delegated Powers.