KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY PLANNING SUB-COMMITTEE HEAVY WOOLLEN

1 JUNE 2018

Planning Application 2012/93803

Item 15 – Page 53

Discharge of conditions on previous planning permission no.2011/90359 for extension to time limit to previous app 2007/94743 for demolition of existing buildings and erection of 62 dwellings with garages and associated infrastructure

Syke Ings Mills, 16, Off Ossett lane, Providence Street, Earlsheaton, Dewsbury, Dewsbury

Comments have been received from the Council's Strategic Housing Officer as follows:

"The proposal as previously agreed in the S106 Agreement at the time did not fall within the definition of affordable housing. It now though aligns with the government's position on promoting home ownership.

The scheme promoted a 'try before you buy' arrangement and the management of the 4 units agreed was a matter for the site owner and developer to administer. The council was required to nominate tenants. These would be drawn from the Housing Register and would place tenants eligible for a range of affordable housing in a private scheme with no accredited housing manager from the perspective of a Registered Provider such as the Council, KNH or a Housing Association.

The new scheme is subject to Homes England funding support as part of their Continuous Market Engagement programme where Registered Providers can acquire units from the market. The Connect scheme entails their acquisition and provision of the initially agreed 4 units plus a further unit, to provide 5 new affordable homes managed and provided by them, and it provides affordable housing supply which could not have previously been counted in affordable housing delivery figures.

It is important to emphasise that these units are subject to Homes England grant and regulation, and the management by Connect as Registered Provider, a factor which was not regulated in the original S106 Agreement.

At some point, it was likely that the developer would sell the units to the sitting tenants. This acquisition brings that forwards, and consolidates the provision of the four, plus one further units as fully regulated and managed affordable homes. Homes England have supported other market acquisitions to increase affordable housing supply and this scheme is in line with their Continuous Market Engagement programme.

If the council did not agree to this variation, this would risk affordable housing delivery."

Planning Application 2017/94129

Item 16 – Page 57

Demolition of existing buildings and erection of 30 dwellings with associated garages and parking

Oakroyd Hall, West Yorkshire Fire And Rescue Service Headquarters, Bradford Road, Birkenshaw, BD11 2DY

Flood Risk and Drainage Matters

The Lead Local Flood Authority raised some concerns in respect of proposed flood routing and requested some minor revisions to parts of the site to protect the proposed dwellings and avoid pooling on the shared surface carriageway.

Some revisions have been made, however further clarification is required. This matter can however be addressed by including the following additional condition:

21. An assessment of the effects of 1 in 100 year storm events, with an additional allowance for climate change, on drainage infrastructure and surface water run-off pre and post development between the development and the surrounding area, in both directions, shall be submitted to and approved in writing by the Local Planning Authority before works to construct the foundations of the dwellings commence. No dwelling shall be first occupied until the works comprising the approved scheme have been completed and such approved scheme shall be retained thereafter.

Erection of 6 detached dwellings

Land At, Leak Hall Crescent, Denby Dale, Huddersfield, HD8 8RZ

Coal Mining Legacy

An updated Site Layout Plan (Drawing No. 16/D65/02 Rev. E) has been submitted which identifies the location of the adjacent mine shaft and illustrates that no built development will be taking place on or within its zone of influence. The Coal Authority consider that an adequate assessment of all coal mining risks associated with this site has now been carried out.

The Coal Authority now withdraws its holding objection subject to the inclusion of conditions. These include that prior to the commencement of development, a scheme of intrusive site investigations are undertaken to establish the risks posed by past coal mining activity, and that a report of the findings and scheme of any remediation works/remediation measures necessary is submitted for approval and then implemented. The conditions already suggested by Environmental Services to address contamination matters therefore remain applicable.

UPDATED OFFICER 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 any added by the committee.

Planning Application 2017/92291

Item 18 – Page 89

Erection of 19 dwellings with associated infrastructure and landscaping

Rock Villa Development, Land off Warwick Road, Batley, WF17 6AN

Request for deferral

The applicant requests that a decision on the application be deferred on the basis that additional design work is currently being undertaken:

- The amendment to the number of each type of property following the introduction of additional pavements and the width of pavements following highways comments
- The levels and gradients within the site and towards the junction have been amended following highways comments
- The creation of a larger 'home zone' towards the rear of the site following highway comments.

A full copy of the additional information submitted by the applicant is appended to this update (appendix A and B).

In summary the applicant has produced a response to the officer recommendation which considers:

- The supplied speed survey data is robust and should be considered acceptable;
- 2.4m x 23m visibility is achievable in a northerly direction by using the continuation of the Warwick Road channel line. This is in line with Manual for Streets guidance and the achievable visibility is supported by the speed survey;

The above was supplemented by a revised layout plan which adjusts the site access in order to achieve 2.4m x 23m in both directions from the proposed junction with Warwick Road.

Officer response

With respect to the recent additional information received, K.C. Highways DM have reviewed the submitted information and consider that the speed readings have been carried out incorrectly. As such, Highways DM require speed readings to be taken at the extents of the proposed visibility splays to enable a definitive recommendation to be given.

In addition, the applicant is also required to provide the following:

- 11.85 refuse vehicle swept path analysis at the proposed junction with Warwick Road;
- Longitudinal sections of the proposed internal layout;
- An independent Stage 1 Road Safety Audit carried out of the proposed junction plateau at the site access with Warwick Road.

If the applicant supplies all the information above to justify the revised junction layout, Highways DM will be able to ascertain whether the scheme meets the criteria required to allow for a safe junction design.

Other Matters

The Lead Local Flood Authority (LLFA) have raised concerns regarding the potential for the run off from the area of the rugby club (located to the west and on higher ground). No further clarification has been provided but it is noted that this was not raised as an issue during pre-application and there are no 'in principle' objections to the detailed drainage of the site. A planning condition is, therefore, recommended concerning drainage in the event that planning permission is granted.

UPDATED OFFICER RECOMMENDATION

It appears that the information supplied by the applicant may allow a suitable junction to be designed but this is dependent on the submission of additional detail as stated with the officer response above. Given the submission of additional information by the applicant and para 187 of the NPPF which advises that Local Planning Authorities should look for solutions rather than problems, it is recommended that the **application be deferred** to allow the applicant to submit further information in order to address outstanding highway safety concerns.

Change of use from retail (A1) to hotfood take-away (A5)

169, Bradford Road, Cleckheaton, BD19 3TJ

Members will note that the application is recommended for refusal for three reasons. Reason no.3 states:

The development would result in detriment to nearby occupants due to noise and odour emanating from the premises in addition to customer and delivery vehicle noise contrary to Policy EP4 of the Kirklees Unitary Development Plan, Policy PLP52 of the Kirklees Publication Draft Local Plan and Chapter 11 of the National Planning Policy Framework

Since the publication of the committee agenda the applicant has submitted additional information comprising a floor plan which shows the first floor as an area for storage along with details of the kitchen extraction system. The applicant has also confirmed that the first floor has not been used for living purposes for a considerable length of time.

In respect of the upper floor of the premises, officers are of the view that a condition could be imposed restricting the use so it is only used for storage purposes ancillary to the A5 use.

In terms of the kitchen/odour equipment, the Council's Environmental Health have been consulted on the proposal and comment as follows:

"Noise and odours from the Kitchen Extract System at the proposed development may impact on the amenity of nearby residential properties. However this can be mitigated provided an appropriate system is installed".

Officers have consulted Council Tax and their records show that the adjacent property (no 171) has been empty for over 2 years. No 173 is registered as a business. No's 165 and 167 are registered as businesses with no residential at first floor level.

In summary, whilst it is acknowledged that no171 adjacent could potentially be occupied for residential purposes in future, it has been unoccupied for a considerable length of time and the applicant states that a planning application has recently been submitted to change the use of these premises to a shop. The remaining nearby properties are registered businesses. The applicant has put forward mitigation measures concerning odour abatement which would ensure odours were emitted via the front of the building. Full details of this abatement could be conditioned should the application be approved.

The impact of noise associated with the proposed use would not be significant subject to opening hours being restricted to no later than 22:00. Bradford Road is a busy road and noise is already generated by passing traffic. There are no properties in residential use which would be significantly affected by noise and disturbance associated with the proposed use.

UPDATED OFFICER RECOMMENDATION

It is recommended that reason no3 set out in the officer report is omitted and the application be refused for the following two reasons:

- 1. The proposed change of use from A1 retail shop to A5 hot food takeaway will increase the balance of leisure uses in the centre to a level which will be detrimental to the retail mix and balance undermining the function of the local centre and contrary to Policy S14 of the Kirklees Unitary Development Plan, Policy PLP16 of the Kirklees Publication Draft Local Plan and Paragraph 69 of the National Planning Policy Framework.
- 2. The addition of a hot food takeaway, in an area where there are higher levels of deprivation, high numbers of hot food takeaways combined with high levels of overweight or obese children and adults, would not be in the interests of ensuring healthy, active and safe lifestyles in so far as resisting the location of hot food takeaways in areas of poor health contrary to Policy PLP47 of the Kirklees Publication Draft Local Plan.

Appendix A



Rock Villa Development (2017/65/92291/E)

Erection of 19 dwellings with associated infrastructure and landscaping at Rock Villa Development, Land off Warwick Road, Batley, WF17 6AN

Response to Planning Sub Committee – 1st June 2018

Summary:

The Applicant wishes that the decision is **deferred** on the basis that additional design work is currently being undertaken with existing documentation updated to support the application following several comments from Consultees, for example;

- The amendment to the number of each 'type' of property following the introduction additional pavements and the width of pavements following Highway comments
- The levels and gradients within the site and towards the junction have been amended following Highway comments
- The creation of a larger 'home zone' towards the rear of the site following Highway comments

Design Team & Applicant Comments:

During the lifetime of the application we have engaged in dialogue with the necessary Consultees and we believe that there are further works to be done, in terms of providing supporting documents, to demonstrate a **design and evidence-led approach** to the comments raised by the Highways consultees.

Throughout several meetings, the Planning Officer, Matthew Woodward, has stated that from a 'planning perspective' he sees no reason to refuse the application, however, the highway comments should be addressed as far as 'reasonably practical' at this stage. The Applicant and Design Team have been fully engaged with working with Kirklees Highways the design process is currently being undertaken following the receipt of a speed survey at the mouth of the Development's junction with Warwick Road on the 17th May 2018.

We believe that several Highway's requests could be dealt with as Planning Conditions, for example, detailed longitudinal sections through the site showing the proposed levels and gradients of the highway. This request was made on the 17th May 2018, allowing the Design Team seven working days to before the deadline for submission to Committee. We therefore request that the Committee decision is deferred until the Design Team have had sufficient time to mobilise, produce and issue the requested information.

The proposed junction noted on drawing 0983-JSA-XX-XX-DR-A-01001_P6 shows a revised design from that on the original planning application. An approved design for a junction in this location, this was decided in 1992 and is linked to development of 1-6 Villa Gardens. The applicant agrees that whilst the proposed development will see an increase in vehicle numbers compared to the previously approved scheme the inclusion of a traffic calming feature, namely a raised table top, will vastly improve the safety at the junction, this is demonstrated by the speed survey results.

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Speed Survey Results

It was agreed with Kirklees Highways that the visibility splay could be reduced if reduced speeds were collected. The results of the speed survey, appended to this statement, was produced by Nationwide Data Collection, a company whom Kirklees Council have previously instructed on similar schemes. The results show that the average speed in both directions was thirteen miles per hour with the eighty-fifth percentile being fifteen miles per hour. The Design Team have acted on this information to inform the re-design of the proposed junction.

We were notified by Matthew Woodward that Kirklees Highways had deemed the data 'invalid' due to the proximity of the data collectors to the proposed junction.

NDC's response when notified of the information;

The object of undertaking the speed surveys is to understand the actual speeds that pass the proposed site entrance as it is at that point the visibility splays are determined. Generally, it is normal practice and in particular more so in an urban environment that the speeds should be recorded as close as possible to the proposed entrance as either side may have other developments/land uses that may affect speeds. In undertaking speed surveys using an automatic traffic counter it needs appropriate street furniture to be attached to avoid it being taken. The recorder was in the most appropriate location in relation to the site.

At this location there happened to be a speed bump near to the proposed development entrance, whilst the surveys could have been undertaken further up/down the road it would have been well away from the site under consideration and therefore would have been more likely deemed inappropriate/not valid. If the development goes ahead the existing speed bump would likely be moved and other speed restriction measures installed which on balance would have the same effect as the existing situation.

Therefore, re-viewing above it is believed that the speed data supplied should be considered acceptable for use in this development.

Keith Shorter, Regional Director, Nationwide Data Collection

Following this response we believe that the data is valid and as a result has been used to inform the design of the junction.

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Junction Design & Visibility Requirement

In order to alleviate Highways' concerns regarding the visibility at the junction it is proposed that the existing speed hump is converted into a raised table, thus slowing down the traffic further away from the proposed junction to the site. With this the recent speed survey results in mind the expected average speed at the junction is approximately thirteen miles per hour. This design and evidence-led approach is currently being developed by the Highways Consultant and a formal issue will be made available in due course, however, preliminary design notes have been included below for your information.

Leeds City Council's Street Design Guide (August 2009, previously referenced by Kirklees Planning/Highways in the absence of any 'Kirklees Guidance) references Manual for Streets (MfS) for the design visibility requirements at junctions providing several criteria are met – see the extract of paragraph 3.105.

In line with this Warwick Road is not classified a Distributor Road or Strategic Route and it is within a built up area.

- 3.105 "Manual for Streets" (MfS) introduced reduced visibility guidelines, on routes within built-up areas having 85%ile wet weather vehicle speeds of 37 mph or less. For the purposes of this Design Guide, the MfS recommended visibilities are considered to be appropriate in the following circumstances:
 - Within new residential developments themselves
 - ii) Plus the access junction onto external highway network, where the major route meets all of the following in the vicinity of the junction:
 - a) It is not a Distributor Road or Strategic Route (See Appendix G)
 - b) It is within a built-up area
 - The eighty-fifth percentile wet weather speed is 37 mph or less
 - The place function of the street is more important than the movement function.

With regards to the traffic 'on the road' an automatic traffic count and speed assessment was undertaken between Saturday 5 May and Friday 11 May 2018. Site photographs during the count show the weather fine and the road dry. Traffic flows were low, averaging 1207 vehicles per day over the seven-day period with the highest hourly peaks being 106 vehicles southbound (16:00 to 17:00 on Tuesday 8 May) and 104 vehicle northbound (15:00 to 16:00 on Friday 11 May). The counts indicate that the placement function of the street is more important than the movement function.

The 85%ile speed of vehicles through the whole study period was 15.4mph northbound and 14.8mph southbound. The 85%ile speed in wet weather would, if anything, be lower than this. Therefore the MfS values are appropriate for this junction.

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Paragraph 3.119 of the Leeds guide gives the Y-distances to be used for different 85%ile speeds. For a 15mph speed the Y-distance is 23m.

The x-distance should be 2.4m measured from back the give way line or an imaginary line if no such markings are provided. Using the continuation of the Warwick Road channel line through the proposed junction to set back the 2.4m x-distance and plotting a splay for the 23m y-distance the splay is in front of the corner walls of the properties on both sides of the junction.

3.119 The Y distance should be in accordance with the table below, if the criteria in paragraph 3.105 have been met. For intermediate speeds, the next highest speed which appears in the table should be utilised (or refer to formula in Manual for Streets). Measured eighty-fifth percentile wet weather speeds should be used if available.

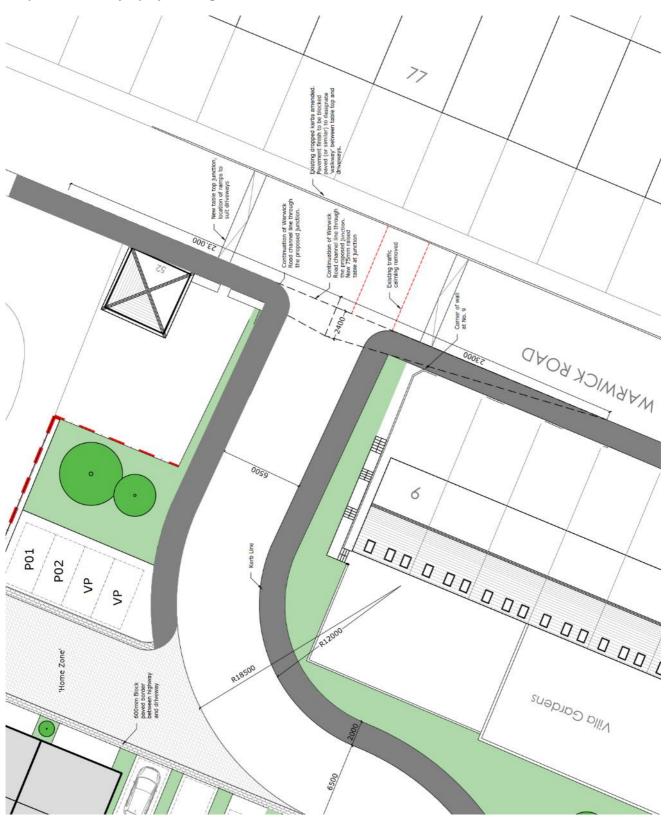
Speed	Visibilities derived from "Manual for Streets"						
kph	16	24	32	40	48	60	
mph	10	15	20	25	30	37	
Y-distance (m)	23*	23*	25	33	43	59	

*Below 20m shorter SSDs themselves will not achieve low vehicle speeds: speed reducing features will be needed. 23m represents a 20m SSD plus bonnet length allowance.

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Proposed Visibility Splay and Sightlines



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North

Dearden House, Dearden Street, Ossett, West Yorkshire, WF5 8NR.

Tel: 01924 288040 Fax: 01924 278670

Farmahenterprises Warwick Road - Batley. ATC Survey Report May 2018

PROJECT NO.	8754		
CHECKED	R. NAYLOR		
DATE	17/05/2018		
CONTACT	K. SHORTER		
REVISION			



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INTRODUCTION

Nationwide Data Collection (NDC) was instructed by Farmahenterprises to undertake Automatic Traffic Counts on Warwick Road, Batley.

A general location plan is given below, with site photos included within the results.

AUTOMATIC TRAFFIC COUNTS

Automatic traffic counts were undertaken at the following sites:

Site No.	Location.	Day / Date
1	Warwick Road- Attached to LC403 - N53.706119, W1.629433	Saturday 05 May 2018 - Friday 11 May 2018

METROCOUNT 5600 series automatic traffic counters, attached to pneumatic tubes, were used at all the sites. Data was collected in both directions.

The survey was carried out with survey hours of 00:00 to 00:00 (24 Hours).

The results have been provided in excel, in hourly totals and includes the following information:

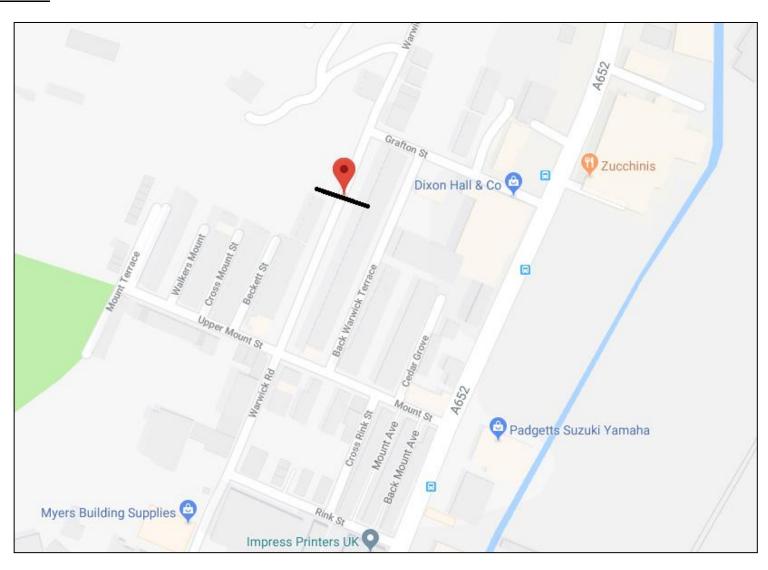
- Total Vehicles
- Class Bin Totals (12 Class)
- Number of Vehicles over Speed Limit
- Percentage of Vehicles over Speed Limit
- Number of Vehicles over Speed Limit 1 (ACPO Standard 110% Speed Limit + 2mph)
- Percentage of Vehicles over Speed Limit 1
- Number of Vehicles over Speed Limit 2 (DfT Standard 100% Speed Limit + 2mph)
- Percentage of Vehicles over Speed Limit 2
- Mean Speed
- 85th Percentile Speed
- Speed Bin Totals (Range 0 to 140mph)

12hr (07:00 to 19:00), 16hr (06:00 to 22:00), 18hr (06:00 to 00:00) and 24hr (00:00 to 00:00) totals are also included along with a virtual day, week and grand total. The peak time period for both the a.m (00:00 to 12:00) and p.m (12:00 to 24:00) are also highlighted.

A detailed description of the vehicles included in each category is provided in Appendix A.



GENERAL LOCATION PLAN





APPENDIX A VEHICLE CATEGORIES



ATC VEHICLE CATEGORIES

Axles	Groups	Description	CI	ass	Parameters	Dominant Vehicle	Aggregate
2	1 or 2	Very Short Bicycle or Motorcycle	МС	1	d(1)<1.7m & axles=2		
		Short Sedan,					
		Wagon, 4WD, Utility,			d(1)>=1.7m,		
2	1 or 2	Light Van	SV	2	d(1)<=3.2m & axles=2		
3, 4 or 5	3	Short Towing Trailer, Caravan, Boat, etc.	SVT	3	groups=3, d(1)>=2.1m, d(1)<=3.2m, d(2)>=2.1m & axles=3,4,5		1 (Light)
2	2	Two axle truck or Bus	TB2	4	d(1)>3.2m & axles=2		
3	2	Three axle truck or Bus	TB3	5	axles=3 & groups=2		2 (Medium)
>3	2	Four axle truck	T4	6	axles>3 & groups=2		
		Three axle					
		articulated vehicle					
3	3	or Rigid vehicle and trailer	ART3	7	d(1)>3.2m, axles=3 & groups=3		
					d(2)<2.1m or		
					d(1)<2.1m or		
		Four axle articulated			d(1)>3.2m		
4	>2	vehicle or Rigid vehicle and trailer	ART4	8	axles = 4 & groups>2		
					d(2)<2.1m or		
					d(1)<2.1m or		
		Five axle articulated			d(1)>3.2m		
5	>2	vehicle or Rigid vehicle and trailer	ART5	9	axles=5 & groups>2		
		Six (or more) axle articulated vehicle					
>=6	>2	or Rigid vehicle and trailer	ART6	10	axles=6 & groups>2 or axles>6 & groups=3		
>6	4	B-Double or Heavy truck and trailer	BD	11	groups=4 & axles>6		2 (110 50 5.1)
>6	>=5	Double or triple road train or Heavy truck and two (or more) trailers	DRT	12	groups>=5 & axles>6	000 00 00	3 (Heavy)



APPENDIX C

SPEED BINS & DATA HEADINGS



ATC SPEED BINS & DATA HEADINGS

Heading	Description				
0 - 5	Speed bin totals 0 - 5 mph				
5 - 10	Speed bin totals 5 - 10 mph				
10-15	Speed bin totals 10 - 15 mph				
15 - 20	Speed bin totals 15 - 20 mph				
20 - 25	Speed bin totals 20 - 25 mph				
25 - 30	Speed bin totals 25 - 30 mph				
30 - 35	Speed bin totals 30 - 35 mph				
35 - 40	Speed bin totals 35 - 40 mph				
40 - 45	Speed bin totals 40 - 45 mph				
45 - 50	Speed bin totals 45 - 50 mph				
50 - 55	Speed bin totals 50 - 55 mph				
55 - 60	Speed bin totals 55 - 60 mph				
60 - 65	Speed bin totals 60 - 65 mph				
65 - 70	Speed bin totals 65 - 70 mph				
70 - 75	Speed bin totals 70 - 75 mph				
75 - 80	Speed bin totals 75 - 80 mph				
80 - 85	Speed bin totals 80 - 85 mph				
85 - 90	Speed bin totals 85 - 90 mph				
90 - 95	Speed bin totals 90 - 95 mph				
95 - 100	Speed bin totals 95 - 100 mph				
100 - 105	Speed bin totals 100 - 105 mph				
105 - 110	Speed bin totals 105 - 110 mph				
110 - 115	Speed bin totals 110 - 115 mph				
115 - 120	Speed bin totals 115 - 120 mph				
120 - 125	Speed bin totals 120 - 125 mph				
125 - 130	Speed bin totals 125 - 130 mph				
130 - 135	Speed bin totals 130 - 135 mph				
135 - 140	Speed bin totals 135 - 140 mph				

Heading	Description					
>PSL	Greater than the posted speed limit					
>PSL%	Greater than the posted speed limit as a percentage					
>SL1	Greater than ACPO (Association of Chief Police Officers					
ACPO	standard. ACPO is PSL x 10%+2mph					
>\$L1%	Greater than ACPO displayed as a percentage					
ACPO	Cicate man her o applayed as a percentage					
>SL2 DfT	Greater than DFT (Department For Transport) standard.					
>3LZ DII	DFT is PSL plus 15mph.					
>\$L2%	Greater than DFT displayed as a percentage					
DfT	Greater man bit applayed as a percemage					
Mean	Av erage speed					
Vpp 85	85th percentile speed					



APPENDIX C SURVEY RESULTS

Appendix B

