

KIRKLEES METROPOLITAN COUNCIL

PLANNING SERVICE

UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY

PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)

1 NOVEMBER 2018

Planning Application 2018/90031

Item 12 – Page 35

Variation of condition 2 and deletion of condition 20i of previous application ref: 2012/90738 (demolition of redundant former industrial buildings and bridge, erection of 46 age-restricted apartments, 2 guest rooms, external residents' lounge, manager's office, residents' and visitor car parking, new bridge access, related engineering and landscape works with retention of former mill dam and formation of riverside walk) to enable changes to layout, elevations, materials, landscaping, boundary treatments, retaining structures and pond works, rerouting of riverside walk, repositioning of blocks, and other changes, and removal of requirement to provide a pedestrian crossing on Woodhead Road (within a Conservation Area)

Prickleden Mills, Woodhead Road, Holmfirth, HD9 2JU

Recommendation

The deletion of part (i) of condition 20 is not recommended for approval in the recommendation at page 36 of the committee report. Consideration of this matter is set out at paragraphs 10.23, 10.31 and 11.3.

However, in light of Cllr Patrick's concerns (set out at paragraph 7.4 of the committee report), advice from Highways officers regarding the provision of a new zebra crossing on Woodhead Road, and the opportunities that exist in Holmfirth for improvements to access for people with limited mobility and/or disabilities, it is considered that the deletion of part (i) of condition 20 can be accepted, if this deletion is coupled with a £25,000 contribution towards accessibility improvements being included in the S106 agreement.

£25,000 is the approximate cost of the Woodhead Road zebra crossing (covering the legal order, beacon poles, footway alterations, road markings and staff time). The two existing zebra crossings in Holmfirth town centre require attention. Tactile paving needs to be reinstated to current standards, dropped kerbs need widening, new Moduposts (Belisha beacons) are needed, and linings need re-marking. Both these crossings would be well used by residents of the proposed development, and given the proposed development would accommodate people more likely to have limited mobility, there is justification for the £25,000 being redirected to these or other accessibility improvement works in Holmfirth town centre. The details of these works would be subject to consultation with Highways officers and ward Members.

The case officer's recommendation is therefore amended as follows:

DELEGATE approval of the application (variation under condition 2, and deletion of part (i) of condition 20) 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 agreement to cover the following matters:

1. Linking of this application to the S106 agreement (dated 19/12/2013) for planning permission 2012/90738.
2. Provision of public access along riverside walk and bridge in perpetuity.
3. Construction management provisions as per the draft S106 agreement prepared in connection with application 2014/90183 (secure a post-development survey of Lower Mill Lane, establish and engage with a residents' liaison group, and secure funding for a Traffic Regulation Order).
4. £25,000 contribution towards accessibility improvements in Holmfirth town centre (details subject to consultation with Highways officers and ward Members).

In the circumstances where the S106 agreement has not been completed within three months of the date of the Committee's resolution 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.

Planning Application 2018/92378

Item 13 – Page 53

Outline application for erection of residential development

Oakmead, 1c Lidget Street, Lindley, Huddersfield, HD3 3JB

Conditions

Conditions (section 12.0 of the committee report) to include a condition requiring the provision of charging points for electric/hybrid vehicles, in accordance with paragraph 10.33 of the committee report.

Demolition of existing redundant mill buildings and erection of 55 dwellings with associated parking and access from Manchester Road

Cellars Clough Mill, Manchester Road, Marsden, Huddersfield, HD7 6LY

Representations:

A further two representations have been received. The concerns of which are summarised below:

- Lack of details in relation to proposed facing of materials
- “Proper consideration” should be given to the environment and local residents from any light pollution.
- Proposals would contravene legal right of access through application site for Cellars Clough House.

Response: Paragraph 10.25 of the committee report sets out that the use of stone only would be appropriate on this site. The agent/applicant have been made aware of this requirement. Condition no. 3, listed in the committee report would be amended to also require details of roofing materials to be agreed by the Local Planning Authority. With regards to consideration on the environment from light pollution, this again is addressed in the committee report at paragraph nos. 7.2 and 10.52.

Finally, the granting of planning permission does not remove nor override any legal rights/covenants. These are matters to be dealt with independently from planning, between any interested parties and their legal representatives.

Informative:

Although a private civil matter to be resolved between all interested parties outside the planning remit, the applicant/agent have been made fully aware of the comments received in relation to the continuation of water supply to both Sandhill and Sparth cottages which are currently stated to be supplied from the application site.

Change of use of dwelling to Class D1 (non-residential institution) and formation of parking and associated landscape works

Newhouse Farm, New House Road, Sheepridge, Huddersfield, HD2 1EG

Following the publication of the Committee Report further representations have been received.

A consultation response has been received from West Yorkshire Fire Service.

In addition as set out in paragraph 10.27 of the main report, the applicants have provided a response to officers’ request to reconsider the proposed opening hours of opening in light of the previous limitations and in the interest of balancing the residential amenity considerations of the neighbouring properties with the proposals for the application.

West Yorkshire Fire Service (WYFS)

Comments have been received from the Head of Fire Engineering, Planning & Licensing with regards to the proposed development. The comments cite that to be able to utilise the land at the New House Farm site fire appliances need a gate opening of a minimum of 3.1 metres. The gate can be locked with a padlock in accordance with published advice by WYFS on access for fire appliances. It has been confirmed that there are no grounds to object if access to this land (New House Farm site) is maintained for emergency use. This could be secured by an appropriate condition and it would require the gate opening shown on the submitted plans to be amended to at least 3.1m in width.

Proposed opening hours

The applicants were approached with regards to the proposed opening hours and confirmation of the intended number of visitors at any one time. Correspondence has been received citing the following:

"I thank you for giving us the opportunity to clearly set out the requirements in respect of opening hours for the Gurdwara to meet its objectives of providing both a place of worship and a place for members of the community (both Sikhs and non-Sikhs) to meet.

We have considered these, fully accepting that the amenity of neighbours and members of the public must be respected. We also note and accept that recommended conditions include the requirement for noise and external lighting reports to be submitted and approved which will ensure that local amenity is protected.

Sunday is the day of worship for Sikhs throughout the world. It will take place inside the building, not outside. It is imperative that worship is allowed on Sundays and I am pleased to note that KMC Environmental Services accept the proposed Sunday opening hours of between 08.30 and 18.00.

We accept a restriction that no more than 25 people would normally attend for worship at any one time but I trust you would accept that if a few more turn up then it would not be appropriate to ask them to leave.

Also Sikhs celebrate festivals such as Diwali and Vaisakhi where it would be the case that more than 25 people would attend. Celebrations would finish by 18.00 except Diwali which occurs only once a year and would finish by 20.00 hours.

When open the Gurdwara is a place where individuals can meet and simple hospitality will be provided. This can be on an organised basis for such as elderly members of the community to meet/ for attendance at a yoga or meditation session or on a casual basis for such as passing dog walkers. We would not want any restriction in principle on such activities but feel that they can be accommodated within the proposed opening hours of 07.30 and 20.00 Monday to Friday and 08.30 and 18.00 on Saturdays. We are pleased to note that KMC Environmental Services agree to these hours.

No other organised activities would take place during worship and again there would be a limit of 25 people at any one time taking part in such activities.

Finally, outside the hours set out above we would ask that activities such as cleaning, improvements and repairs are permitted but accept Environmental Services' recommendation that there should be no outside deliveries and no dispatches outside those hours."

Representations:

With regard to further representations these details are summarised below with the Local Planning Authority response:

Support:

A further petition containing 30 signatures has been received.

Objection:

1 letter of representation received with regards to the consultation process for West Yorkshire Fire Service and 1 letter received with regards to fly tipping. In addition, 2 no. further representations have been made with regards to comments on the published report. These shall be summarised below with the Local Planning Authority response:

Fire Service consultation

- The contact details Officers used to seek consultation was the station Officer at Huddersfield and was told that commenting on planning applications was not part of the role of a station officer and they have no record of Mark Helliwall having been approached

Response: The Fire Service were contacted on a number of occasions and no response was forthcoming. The attempts to contact WYFS were as advised by the Highways Safety team as with all other planning applications that require consultation from WYFS.

As cited above, following receiving this representation, Highways Development Management sought an alternative contact who has provided comments on the scheme as stated above.

- Fence in proposed position will seriously hamper the work of emergency services and also appear to contravene building regulations which stipulate that fire engines should not be required to reverse more than 20 metres and that if the distance is greater a hammerhead or turning circle should be provided

Response: As noted in para. 10.30 the plans demonstrate that the fence would be set back from the Public Right of Way which would avoid interference with the routes. In response to this point being raised, Building Control have been consulted who have now confirmed that the fence itself would not require a Building Regulation application however Building Regulations would be required for the change of use and would include Fire Service access. They have also stated that the fence and gate would not be relevant to the Building Regulation application as long as the gates are a minimum of 3.1 metres wide which accords with recent advice from WYFS

- Consider that it is essential that comments from West Yorkshire Fire Service inform the decision of the planning sub committee

Response: WYFS have now made comments on the application.

- Whilst there are turning facilities within the compound this refers to access to New House Hall where the fence will effectively create a narrow dead end with no turning facilities for emergency vehicles and limit the space where crews could work safely

Response: As above, emergency access onto the New House Farm site could be provided in accordance with WYFS guidance.

Fly tipping

A further objection has been received regarding fly tipping at the site with the following being a summary of comments and Local Planning Authority response:

- A great deal has been made of the need to protect the site of Newhouse Farm from fly tipping however a recent report in Huddersfield Examiner gathered from Kirklees Council records under a Freedom of Information request clearly indicates that this is far from the case and out of 143 areas cited, Brackenhall was ranked low down the list at 123 meaning that only 20 places Kirklees wide had a lower incidence of fly tipping

Response: Noted

- Asked to consider whether a sign at the end of the driveway reading Private Property plus the proposal to surround the site with a 2.4m high fence really suggests that the Brackenhall Community will be made welcome in this community centre

Response: An assessment of the proposal is based upon the submitted details. With regards to the sign which has been erected within the site, this appears to fall outside of the requirements of 'Class 2: miscellaneous advertisement on any premises' within the Advertisement Regulations 2007 that would allow for a warning notice or private sign provided that this does not exceed 0.3 of a square metre in area. However, this does not form part of the application proposal and does not form consideration of the application.

Additional comments on the report for the planning sub-committee

1 letter of representation has been received from a local resident which has been sent to Ward Members for their attention with the comments and response summarised below. A further representation has been received with regards to the Report which Members are not in receipt of and this is also summarised below:

Letter 1 – sent to Members

- Number of parking spaces in excess of UDP requirements

Response: The applicants have confirmed that no more than 25 people would normally attend for worship at any one time however, as set out above information has now been provided that there might be occasions when more than 25 people would attend the site. The number of parking spaces are in excess of the standards set out in the UDP for the numbers of patrons proposed in the application form. Post-dating the UDP the NPPF at paragraph 106 states that 'maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network'. There are no maximum parking standards in the Publication Draft Local Plan. The application has been assessed with 25 parking spaces but this would not authorise more than 25 people attended the site if this was the maximum number authorised by planning condition.

- Opening hours are long and would a condition before enforceable

Response: It has been recommended that the opening hours would be conditioned as part of the decision notice. The condition would be enforceable.

- Would like to Committee members to consider whether the intended opening hours are reasonable and the consequences of non-compliance

Response: Further information on the proposed hours of use has been provided by the applicant's agent, this is set out earlier in the update. Should planning permission be granted with an hours of use condition imposed then this would be enforceable. In the main report it also states that a pre-commencement condition would be required for a noise report to be submitted and agreed before the building is first brought into use. This would need to set out measures/mitigation to ensure that noise sensitive premises on New House Road are protected. The consequences of non-compliance with these conditions would be to investigate reported breaches of planning control and where expedient to take enforcement action.

- Precedent of the principle of the boundary treatment

Response: The boundary treatment which was agreed with a 2 metre high wall along the eastern boundary of the site to discharge condition 4 formed part of previous permission 1987/03128 for the change of use of the building to form a community centre and not for the change of use of the building to residential. This is an error in the published report. This reference was simply to indicate that a form of boundary treatment has previously been approved to the east of the site. The current application has to be treated on its own merits.

- Access for emergency vehicles, in particular the Fire Service

Response: Comments have now been received from West Yorkshire Fire Service which have addressed the concerns raised.

- Works already undertaken including part of the dry stone wall being removed exposing the root system of trees subject to Tree Preservation Order; a large area of vegetation cleared which is part of the Ancient Woodland and an area not within the ownership of the applicant and the installation of flood lights

Response: The removal of the dry stone wall does not require Planning Permission. If there are concerns regarding a tree protected by Tree Preservation Order has been damaged, this is a matter that would need to be addressed by the Trees Officer. With regards to the clearance of vegetation from the edge of the ancient woodland, the woodland is a Council owned woodland and designated as such by Natural England. If works have been carried out beyond the extent of the red line boundary, this would need to be brought to the attention of the Estates/Forestry team who could investigate further.

- Concerns regarding legitimate need for a fence

Response: The applicant has submitted a crime report from West Yorkshire Police dated 7th August 2018. This demonstrates that theft has occurred on the site within recent months and has been registered with the Police. In line with para 10.18 of the Committee Report Officer's consider it reasonable to provide a fence for security purposes.

- Comments from Historic England regarding the position of the fence. Comments regarding a suggested alternative line of the fence is provided and it is cited that a more appropriate line for the fence would be to follow the left fork of the access road to the farm, leaving the car park unfenced but still protecting the building against any perceived threats. This would truly meet the requirement of being as far away as possible from the listed building, it would protect the patrons of the building from moving traffic and it would allow unhindered access for emergency and other services to New House Hall.

Response: The line of the fence has been assessed as submitted taking into account the consultation responses received from Historic England with each application being assessed upon its own merits.

Letter 2

- Opening hours longer than previously approved

Response: This is currently under consideration and would include the additional information now received from the applicant's agent. As set out in the main report this needs to balance residential amenity considerations with the proposed uses of the building.

- Car parking spaces exceed the expected number of visitors

Response: This has been assessed in the representation above

- Planting of trees preventing opening the gate

Response: Any future planting would be agreed as part of the landscaping scheme recommended should the application be approved.

- No reference in the report with regards to emergency services and refuse collection and the inability to turn

Response: These matters have been addressed following comments received from West Yorkshire Fire Service

- Concerned that the building would not serve the immediate community

Response: The principle of the development has been assessed within the published Committee report. A community centre has been defined as falling within the Class D1 use class 'non-residential institution' rather than defining a geographical community.

- Would like to know where the opinion that the harm is considered to be less than substantial comes from and argue that the public benefit has not been shown.

Response: The matters relating to the impact of the Listed Building and the public benefit of the scheme have been addressed within the Report with regard to paragraph 196 of the NPPF. This corresponds with the consultation response from Historic England in 28 June 2018 (based on the previous version of the NPPF) which stated that "once the harm has been mitigated as far as possible [the line of the fence had not been amended at that stage], any remaining harm should be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF". This relates to less than substantial harm. The fence line has since been realigned and taking into account the final Historic England consultation response on 23rd July 2018 the impact of the development has been assessed in accordance with para 196 of the NPPF.

- Advice from Historic England raised no further objections subject to the Local Planning Authority being satisfied that the fence is necessary for security purposes. Discussions at the Community Forum with the local police officer indicated that crime was very quiet and on checking Police computer records showed that this is not an area which attracts crime of vandalism.

Response: Paragraphs 10.8 to 10.18 of the published report consider the impact of the proposal on the Grade II* Listed Building where it was concluded that the proposal is considered to comply with paragraph 196 of the NPPF which states that where a development would lead to less than substantial harm, the harm should be weighed against the public benefit. Paragraph 10.16 of the Report details this.

- Concerns that the land may turn into a crime hotspot due to the height and restricting nature of the fence

Response: The issues relating to the fear of crime are detailed within paragraph 10.31 of the Report which states that the mesh fence is not a solid structure and would allow for views through the fencing.

- If CCTV were to be used then it would need to be placed so that it did not point straight at Newhouse Hall and interfere with our privacy.

Response: This positioning of the CCTV which is proposed to be secured by an appropriate condition would be assessed as part of a Discharge of Condition application.

- No account has been taken to users of the woodland to the rear who use the lane

Response: The line of Public Right of Way would not be affected by the proposal nor would the entrance into the Ancient Woodland. The impact of the fence, its design and location has been taken into account in paragraph 10.31 of the main report.

- The access details for refuse collection do not apply to Newhouse Farm but to the applicants site to which we do not have access.

Response: There is an established refuse collection route on New House Lane which is considered by Highways Development Management to be acceptable.

- Access restricted for emergency vehicles and there is no access to the applicants turning circle within their compound

Response: West Yorkshire Fire Service have not objected to the scheme subject to the gate being a width of 3.1 metres. It is noted that the gate can be padlocked and therefore in the event of an emergency, access to the application site can be sought to attend either New House Hall or New House Farm.

- No lighting report has been submitted and floodlights were recently installed which shines directly into the adjacent property.

Response: There is no extant planning permission on the site and therefore, no breach of condition has taken place. The erection of security lights does not normally require Planning Permission however if it is considered that light pollution is taking place, this would be a matter for Environmental Services to investigate.

RECOMMENDATION

The main report recommends to delegate approval of the application to the Head of Strategic Investment, subject to conditions.

In light of the information recently provided by the agent, regarding hours of use and the number of persons attending the site, officers would now recommend that the application be DEFERRED for one committee cycle. This is so that further consideration of the uses and activities proposed, and the hours of use put forward, can be assessed balancing the residential amenity considerations of neighbouring properties with the proposals for the application. This would be in accordance with paragraph 10.27 of the main report.

Planning Application 2018/92219

Item 17 – Page 123

Erection of single storey rear extension

20, Standiforth Road, Dalton, Huddersfield, HD5 9HD

Councillor Comments

Ward Cllr Mussarat Khan has requested the application be deferred as she is unable to attend today's meeting due to other commitments. She states that if the application is deferred it would allow her to represent Mr Ali at a future meeting of the sub-committee.

The applicant and Cllr Khan are both aware that a site visit will take place on the morning of 1st November whether the application is subsequently deferred from consideration or not.

Matters arising from 23rd November 2017 Huddersfield Sub Committee.

Item no. 13

Modification of the definitive map and statement. Determination of Public rights of way and their status at Huddersfield 231, Nether moor, South Crosland, Huddersfield. Definitive Map Modification Order Application to Record a Public Footpath (Add Footpath and Vary Particulars).

Re Modification of the definitive map and statement. Huddersfield Path 231, Nether Moor, South Crosland and its reclassification of the status of Byway Open to all Traffic

The Secretary of State for the Environment Food and Rural Affairs has determined that an inspector appointed by him shall determine the status of the way by holding a public inquiry. The inquiry is to commence 29th January 2019, therefore the Council's Statement of Case had to be submitted to him no later than October 23rd 2108. Failure to submit evidence in accordance with this timetable will constitute breach of that process and may have consequences in costs against the Council.

New evidence has come to light from the expert witness employed by the Council which suggests that the path should be downgraded to a footpath only. Previously it was considered to support bridleway rights.

In the light of the timetable for the inquiry the Chief Executive has exercised the emergency powers delegated by virtue of Part 3 Section F Scheme of Delegation to Officers - Chief Executive (d) to submit a Statement of Case indicating that Huddersfield 231 should carry only footpath rights, as advised by the Council's expert witness.

Committee is asked to note this interim action and a report will be brought to the next Planning (Huddersfield) Sub-Committee on 13th December 2018 to consider the new evidence which has come to light since it resolved to downgrade Huddersfield 231 to a bridleway.
