

# **KIRKLEES METROPOLITAN COUNCIL**

## **PLANNING SERVICE**

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

**15<sup>TH</sup> FEBRUARY 2019**

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**PLANNING APPLICATION 2018/90607**

**ITEM 11- PAGE 15**

#### **OUTLINE APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF A NEW RETAIL PARK WITH PARKING AND ACCESS**

#### **LAND AT JUNCTION OF GELDERD ROAD/BANKWOOD WAY, BIRSTALL, BATLEY**

The application was referred to the Secretary of State following committee's resolution to grant permission subject to no call in from the HSE or the Secretary of State.

The Ministry of Housing Communities & Local Government confirmed on 15/01/19 that the Secretary of State has decided not to call in this application. He is content that it should be determined by the local planning authority. The reason for this decision is that, having regard to the policy on call in, the application does not involve issues of more than local importance justifying the Secretary of State's intervention.

The letter also stated as follows:

*In considering whether to exercise the discretion to call in the application, the Secretary of State has not considered the matter of whether the application is EIA Development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The local planning authority responsible for determining these applications remains the relevant authority responsible for considering whether these Regulations apply to these proposed developments and, if so, for ensuring that the requirements of the Regulations are complied with.*

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**VARIATION OF CONDITIONS 28,33,34 AND 35 AND REMOVAL OF  
CONDITON 31 ON PREVIOUS APPLICATION 2016/91337****FORMER ST LUKE'S HOSPITAL, BLACKMOORFOOT ROAD, CROSLAND  
MOOR, HUDDERSFIELD.****Amended 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 agreement to ensure:

1. The provision of on-site POS and subsequent maintenance
2. The provision of an Education contribution of £170,000
3. £17,000 towards the provision of a pedestrian/ cycle route within the development
4. Contributions to provide signal equipment to the site access site access onto Blackmoorfoot Road £22,340
5. Council is able to request for a viability re-appraisal in the event of non-lawful implementation on the site after 12 months from the date of the permission of the last Reserved Matter being approved.

In the circumstances where the S106 agreement has not been completed within 3 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

**Amended text**

Paras 9.7, 9.9 and 9.10

(Figure is £187,000 not £188,000)

**Clarification requested by applicant**

Point 4 of the recommendation refers to contributions towards signal equipment. This figure is £22,340, this is a proportion of the total costs of the signals, however it is not necessary at this time for the developer to pay for all the signal costs as the signals will only become necessary when other development in the locality come forward. Therefore a proportion of the costs is justified with the balance being secured through other development in the future.

A summary of the viability issues is included within the main agenda report at paragraphs 9.4 to 9.11 The council's independent viability assessor has completed their assessment and details of the findings will be reported within

a confidential paper that will be circulated to committee members prior to the committee meeting.

## 12.0 CONDITIONS

12.1. The following is agreed;

Condition 28 variation agreed

Condition 31 Deleted

Condition 33 removal of parts a and c agreed

Condition 34 Variation agreed

Condition 35 Variation not agreed, condition to remain. As variation of conditions application for an outline, all other conditions on the outline will be restated.

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## PLANNING APPLICATION 2018/93200

## ITEM 13 – PAGE 51

### ERECTION OF 26 DWELLINGS AT LAND

### FORMER ST LUKE'S HOSPITAL, BLACKMOORFOOT ROAD, CROSLAND MOOR, HUDDERSFIELD

Delegate authority to officers to secure minor internal highway alterations set out 10.13 of the officers report and 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 agreement which will relate to both the outline consent (2018/93098) and this application to ensure:

1. The provision of on-site POS and subsequent maintenance
2. The provision of an Education contribution of £171,000
3. £17,000 towards the provision of a pedestrian/ cycle route within the development
- 4 Contributions to provide signal equipment to the site access site access onto Blackmoorfoot Road as per 2018/93098.
5. The Council can require the developer to submit a viability re-appraisal in the event of non- lawful implementation on the site after 12 months from the date of the permission being granted pursuant to the last Reserved matters approval of Outline application **2018/93098** .

In the circumstances where the S106 agreement has not been completed within 3 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

### Further comments:

#### Tree Officer

Concern regarding the removal of a large number of mature trees protected under Tree Preservation Order (TPO) and lack of justification presented by

the applicants. Whilst other trees on the fringes of the site are to be retained this is clearly a harmful impact as a result of the layouts submitted. This harm must be weighed in the planning balance and officers consider that the viability issues that surround developing this site give sufficient justification in increasing the number of dwellings on the whole of the site and in this instance the loss of protected trees is on balance acceptable.

West Yorkshire Police Architectural Liaison Officer

Detailed comments on layout regarding boundary treatment, trees vegetation, external lighting, security measures, garages, cycle storage, bin storage and intruder alarms. Include condition for measures to be submitted to the LPA to enable the layout to improve the layout of the masterplan to address secure by design type principles.

Pollution & Noise Control

Information submitted together with the previously assessed Phase 2 report is now satisfactory Phase 2 Land Contaminated Land Report.

Environmental Health therefore recommend that our previous recommendation for condition requiring the submission of an Intrusive Site Investigation Report (Phase 2 Report) is no longer necessary.

A summary of the viability issues is included within the main agenda report at paragraph 10.5. The council's independent viability assessor has completed their assessment and details of the findings and a copy of the report will be reported within a confidential paper that will be circulated to committee members prior to the committee meeting.

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**PLANNING APPLICATION 2018/93201**

**ITEM 14 – PAGE 63**

**RESERVED MATTERS APPLICATION FOR RESIDENTIAL DEVELOPMENT PURSUANT TO OUTLINE PERMISSION 2016/91337**

**LAND AT FORMER ST LUKE'S HOSPITAL, BLACKMOORFOOT ROAD, CROSLAND MOOR, HUDDERSFIELD.**

**Amended Recommendation** - Delegate approval of the application to officers to secure minor amendments to the layout to resolve minor Highways issues and approval of the application and the issuing of the decision notice to the Head of Strategic Investment to complete the list of conditions including those contained within this report.

**Further comments:**

West Yorkshire Police Architectural Liaison Officer

Detailed comments on layout regarding boundary treatment, trees vegetation, external lighting, security measures, garages, cycle storage, bin storage and intruder alarms. Include condition for measures to be submitted to the LPA to enable the layout to improve the layout of the masterplan to address secure by design type principles.

### Tree Officer

Concern regarding the removal of a large number of mature trees protected under Tree Preservation Order (TPO) and lack of justification presented by the applicants. Whilst other trees on the fringes of the site are to be retained this is clearly a harmful impact as a result of the layouts submitted. This harm must be weighed in the planning balance and officers consider that the viability issues that surround developing this site give sufficient justification in increasing the number of dwellings on the whole of the site and in this instance the loss of protected trees is on balance acceptable.

### Pollution & Noise Control

Information submitted together with the previously assessed Phase 2 report is now a satisfactory Phase 2 Contaminated Report.

I therefore recommend that our previous recommendation for condition for Submission of an Intrusive Site Investigation Report (Phase 2 Report)" is no longer necessary

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**PLANNING APPLICATION 2018/90817**

**ITEM 15 – PAGE 73**

### **FORMATION OF 3G SPORTS PITCH INCLUDING 4M HIGH REBOUND FENCING (WITHIN A CONSERVATION AREA)**

**KING JAMES SCHOOL, ST HELEN'S GATE, ALMONDBURY, HUDDERSFIELD.**

### Clarification / correction

Within the assessment, paragraph 10.22, it is stated that;

*To mitigate concerns over ball-strike, officers propose a condition requiring details of acoustic fencing/walling along the site boundary, to be installed prior to use commencing. Such fencing/walling significantly reduces ball-strike noise over the proposed mesh fencing and would act as suitable mitigation. As there are no dwellings to the immediate other directions, it is not considered reasonable or necessary to these boundaries.*

However, Condition no.6 states;

*‘Provision of acoustic barrier to south boundary prior to use’*

The condition was in draft and has been amended to;

*... details of acoustic walling attached internally to the pitch perimeter fencing to all sides, to be installed prior to first use of the pitch and retained and maintained for the lifetime of the development. The specification and height of the acoustic walling is to be submitted prior to the pitch being brought into use.*

## Councillor Comments

Councillor Judith Hughes objects to the proposed development based on it being a permanent structure being erected in the Green Belt and within a Conservation Area.

Councillor Hughes has also expressed concern over the short notice given of the application being taken to committee, causing issues for her to attend as well as for local residents who wish to attend to object. As such Councillor Hughes has requested that the application be deferred until the next committee meeting.

Following the removal of floodlighting and condition for acoustic screening, Councillor Munro no longer objects to the proposed development.

## Representations

A second period of representation was undertaken due to amendments undertaken during the application. The period of publicity for this will not expire until the day of the Strategic Committee (the 15th of February).

Four further representations since the Committee Report was published. These are summarised as follows;

- The proposed fencing is huge. It is unnecessary and would look out of place within a Conservation Area. The fence will have an area of 1300sqm.
- The reduction from 4m to 5m is minor.

**Response:** The above figure of 1300sqm refers to the fence's surface area. Post reduction to 4m in height, this would fall to 1080sqm. The amount of fencing is considered reasonable and necessary for the facilities sought, and its prominence will be reduced as it is meshed.

While a reduction from 5m to 4m could be considered minor, in practise officers considered it to be a significant reduction that helps alleviate concerns relating to openness within the Green Belt and the character of the Conservation Area.

- The noise from ball-strike will be unbearable adjacent to houses (which are stated to be less than 10m away from the proposed pitch, with questions being raised over whether the 25m within the report being accurate). Local residents have young children who sleep early.
- The proposed sports pitch will be used for longer than the existing school day and therefore cannot be compared to the existing sports use.

**Response:** The proposed fencing is in excess of 25m from the nearest dwelling, and the proposed pitch layout in excess of 32m. This has been measured using the council's online mapping system. These distances, the provision of acoustic screening and the proposed hours of use are considered to overcome concerns of noise pollution.

It is acknowledged that the site has the potential to be used until 1800 Monday to Friday (1700 Saturday), and while this is beyond typical schools hours it is not considered unreasonable.

- There will be additional traffic associated with the proposed development, resulting in parking on Arkenley Lane. Arkenley Lane already has parking issues making traversal difficult.
- Increased traffic to the site will cause additional noise and air pollution.

**Response:** The proposal is principally considered an enhancement of the school's existing facilities. It is not anticipated to materially increase traffic movements to the site through the day. Traffic movements to the site after the school day will have benefit of the school's car park, which will be in less demand at these times.

- The trees are not a sufficient 'buffer zone' to prevent harmful visual and noise impacts. Furthermore the trees on plan are not accurate. Additional planting should be undertaken to increase the density and size of the existing woodland.

**Response:** Within the officer report some weight is given to the buffer zone in terms of limiting the visual prominence and openness, which officers maintain to be the case. Further planting is not considered reasonable or necessary. No weight is given to the trees as a method of noise mitigation.

Regarding the trees on plan, it is noted that a formal tree survey has not been undertaken. However the proposal is to be contained upon the existing surfaced area and will not extend into woodland. Officers are satisfied that the plans are accurate for planning purposes.

- As there are no toilets within the site, the development will result in anti-social behaviour, particularly within the trees adjacent to Arkenley Lane. Also there would be no toilet facilities for students using the pitch on a weekend.

**Response:** The site is within the grounds of a school, with users limited to those 16 and under, and therefore will be monitored and managed by the school. It is not uncommon for sport pitches not to include full facilities.

- The pitch should be moved elsewhere within the school's ownership.

**Response:** Other locations were considered however discounted due to access and layout restrictions or because they hosted existing grass pitches which are required to be retained.

- Question whether the site will be locked and secured to prevent use outside of the given hours.

**Response:** No details have been provided at this time. Should unauthorised persons access the site and use it outside of hours, Planning Enforcement would be able to investigate and discuss with the applicant.

- Post this application, what's to stop an application for longer hours or lighting to be submitted.

**Response:** The application would be entitled to submit such a planning application which cannot be prevented by the LPA. However the LPA would assess the impact as part of due course of a planning application.

- Questions over what the acoustic fence will look like, with reference given to the Conservation Area.

**Response:** The acoustic fencing should be installed internally to the pitch perimeter fencing applied for as part of this application. These details are required via condition. Consideration of the design will be given when submitted.

Members will be verbally updated of any representations received between the publishing of the update and the committee meeting. As per the recommendation, should any relevant new material planning considerations be realised post the committee, prior to the expiration of the public representation period at the end of the 15<sup>th</sup> of February, the application will be returned to committee.

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