

**KIRKLEES METROPOLITAN COUNCIL**

**PLANNING SERVICE**

**UPDATE OF LIST OF PLANNING APPLICATIONS TO BE DECIDED BY**

**PLANNING SUB-COMMITTEE (HUDDERSFIELD AREA)**

**6 JUNE 2019**

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**Applications for four definitive map modification orders, each to add a public footpath to the definitive map and statement, Highfields/Clare Hill, Huddersfield (DMMO application references 208, 209, 210 & 211). Item 14 – Page 33**

See following pages.

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**Applications for four definitive map modification orders, each to add a public footpath to the definitive map and statement, Highfields/Clare Hill, Huddersfield (DMMO application references 208, 209, 210 & 211).**

1 Further to the published report, the Council has received the following submission from Mr Mike Woodward, which he has asked to be brought to the attention of members, as he is unable to attend.

"I write in relation to the agenda item listed as "Applications for four definitive map modification orders, to add a public footpath to the definitive map and statement, Highfields/Clare Hill, Huddersfield (DMMO application references 208, 209, 210 & 211)." I would be grateful if my comments could be brought to the attention of the councillors who are to consider the issue.

**1. Many people already use the route and have done so for many years.**

a. I confirm that have regularly walked across the playing field which is currently used by Greenhead College. I have done so for the past 33 years that I have lived in Edgerton. I continue to do so.

b. I access the route from the bottom end of Cemetery Road and walk onto the playing fields using the well-worn and clearly evident footpath. The path onto the playing fields is very apparent in the photographs, particularly in the site photos taken by officers, dated May 2019, and included in the papers to be considered as Appendix F. In particular, see photograph 5. I see many other people making use of this same route from Cemetery Road and onto the playing field area.

c. The concern is that the proposed new school will make access from Cemetery Road more difficult. Is there any way that the current access can be retained?

**2. As part of the A629 Halifax Road scheme the council recently published proposals promoting the pedestrian route along the top edge of the playing fields. The claimed public footpaths adjoin this very route. It would be inconsistent of the council to not uphold claimed footpaths that connect with the route they are promoting.**

a. The council has recently published proposals for 'improving' the A629 Halifax Road. The road is already very busy and the junction with Blacker Road is one of nine Air Quality Management Areas in Kirklees where the authority is obliged to take action. The improvements planned for Halifax Road are intended to increase the flow of traffic even further. The council also published proposals for pedestrians and cyclists in relation to the Halifax Road scheme. My understanding is that it is obliged by statute to do so. Those proposals acknowledge that the A629 Halifax Road is so busy with road traffic and the air is so polluted that it would not be appropriate to encourage for walking and cycling along Halifax Road. Instead, the council is proposing that pedestrians be given routes to either side of Halifax Road on quieter residential streets or along 'green corridors' that run parallel to the A629. One such proposed pedestrian route runs right alongside the proposed new school and connects with the claimed footpaths now being considered.

b. If the council is genuine about promoting and encouraging facilities for pedestrians alongside Halifax Road then it must surely acknowledge that the claimed footpaths, together with the current access from Cemetery Road, should be retained."

**Officers would note** that to make a decision to make an order to add a public footpath to the formal record on the basis of public user, there has to be sufficient evidence of public use of a particular route or routes, in circumstances described in the officer report. There is a paucity of such evidence of public user, or where they went, or how often, over what time period.

On Mr Woodward's second point, the desirability or convenience of a public footpath connection is not something that the Council may take into account in making a decision on these DMMO applications.

The existence of recorded definitive Huddersfield public footpath 343 (see **App D** 1985 DM) which runs to the west of the field and connects Cemetery Road to Cambridge Road and Highfields is not in question here.

It is not inconsistent for the Council to support walking and cycling initiatives and at the same time, as surveying authority for public rights of way, consider the evidence relating to alleged public rights of way. Generally, the benefits of public access may be considered by the Council in other public rights of way decisions, in planning decisions, or for example, in how the Council decides to manage its own land. The sub-committee's decision on this agenda item is to be made on the evidence relating to whether public rights of way already exist.

**2** The Council has received a copy of the applicant's intended three-minute address to the sub-committee, and a copy of a presentation he reports giving to the Council's Strategic Planning Committee on 13 July 2017. Both are shown below.

**Officers have informed** the applicant upon receiving the text of the intended address that its first sentence is not correct and does not reflect officer opinion or what the applicant has been informed. As noted in the report, relevant matters in this decision relate to the potential existence of unrecorded public rights of way – the desirability of future provision in development schemes is not relevant.

Three minute address to the Planning Sub-Committee (Huddersfield Area), June 6<sup>th</sup> 2019.

Wildlife & Countryside Act 1981, section 53, schedule 14.

Applications to add public footpaths at Clare Hill, Huddersfield: definitive map modification order (DMMO) applications, references 208, 209, 210 and 211.

**Members of committee:**

I have been told the following statement is irrelevant. Nevertheless, my footpath applications are in support of a better new school and the continuing, optimum enjoyment, by the public, of Highfields' Urban Green Space, designated in the Kirklees Local Plan.

In my opinion, one of the most significant oversights of the Academy plan is the exclusion of the existing, direct footpath route from Cemetery Road Community Orchard to the playing fields.

Once the school is built, to gain access to the playing fields, from Cemetery Road, the public will have to walk round the whole length of the school site.

There is no dispute the playing fields are also a public open space. I, myself, have regularly walked across the fields for at least 35 years.

The officers' report provides the following evidence:

1. The submitted footpaths' well trodden access points.
2. The bars cut out of the Clare Hill steel gate to allow pedestrian access.
3. The 1893, 1906 and 1918 Ordnance Survey (OS) maps which show a cluster of buildings on the playing fields with access routes.
4. The 1985 OS map which shows a track, now just inside Cemetery Road Allotments, running parallel to approximately half of Claimed Right of Way 208 (PTO\*).

The officers' report provides ample evidence of the Claimed Rights of Way, which are clearly visible when it is wet, or when the grass has not been recently mown.

THANK YOU.



+ statement of 13/7/17  
- off 2016/19425f

## APPENDIX

\*(PTO) This address has not provide me with enough time to include the following information: an access route for deliveries to the top, north east area of Cemetery Road Allotments existed, previously, across the playing fields, via the Clare Hill steel gate and the steel double gate at the top, north east end of the allotments. At the present time, the short connecting track to the allotment's double gate, through the un-mown margin beside the playing fields, has been mown through the gate. The gate is padlocked.

Jonathan Adamson

05.06.2019.

Enc. Copy of my three minute presentation to Kirklees Strategic Planning Committee, 13 July 2017.

Three minute presentation to Kirklees Strategic Planning Committee, 13 July 2017.

Application number 2016/94285

Outline Planning Permission sought for the reconfiguration of Highfields playing fields and its adjacent allotments, in conjunction with the erection of a new primary school and related works.

The same number of football pitches can be accommodated within Greenhead College's remaining land set aside as playing fields.

However, given the issue of Kirklees' and Greenhead College's land ownership, and Sport England's emphasis on the equivalent area of land being made available for sport and healthy physical activity, rather than the same number of playing pitches, I offer the following observations:

- A running and walking route mown through the regenerating 'woodland' around the present playing fields may satisfy Sport England as compensation for the loss of the football pitch which the school is to be built on. Also, this is likely to be acceptable to Greenhead College.
- This would also free up the top area of the allotments for dual use between the proposed school, as an outside study and activity area, and existing allotment tenants. The allotments are a relatively secure site, surrounded by a steel fence with gates in convenient positions for access by the school.
- And this would also help to preserve the rich biodiversity of the surrounding environment as a whole, including the community orchard and woodland at the bottom of Cemetery Road.
- Sensitive integration of the landscape into the school's design will benefit everyone; and, I believe, will alleviate many of the anxieties of those who care about this designated urban green space.

THANK YOU.

Jonathan Adamson 13.07.2017.

**3** The applicant also provided a copy of Mr Woodward's above submission.

**4** The senior legal officer acting for the Council as landowner has provided a landowner statement, shown below.

**Officers would note** that its contents do not provide evidence to affect the report recommendations and that the Council as landowner has not accepted the existence of public rights as alleged.

## LANDOWNER / OCCUPIER STATEMENT

Applications (Highfields – 208, 209, 210 and 211)

Please give your full name and address

Andrew Hoyle  
Legal Services  
Second Floor  
High Street Buildings  
High Street  
Huddersfield  
HD1 2ND

On behalf of the Council of the Borough of Kirklees ("Council")

1. Please indicate on the enclosed plan the extent of any land you own or occupy, or have owned or occupied in the past, which is affected by the claimed route.

The Council does or has owned all of the land affected by the claimed route.

2. Please state the nature of your interest in the land over which the alleged public right of way is claimed. (Freehold (sole / joint owner) / tenant for life under the Settled Land Act / leasehold / employee / other – please specify).

[If you are a tenant or licensee, please ensure you complete question 19]

The OMA is aware of the extent of freehold land currently owned by the Council as a corporation sole as it is to produce a plan to the Planning sub-committee (Huddersfield Area) on 6 June 2019 called 9.2.5 App C landownership ("Ownership Plan") which identifies the extent of the Council's ownership affected by the applications.

3. Please give details and dates of ownership or occupation.

The Council acquired the land it originally owned pursuant to the Huddersfield Corporation (Lands) Act 1920 by virtue of a Conveyance dated 29 September 1920.

The Council sold the land identified as belonging to Clare Hill LLP on the Ownership Plan on 6 March 1998 to Clare Hill LLP's predecessor.

Under the provisions of the Further and Higher Education Act 1992 the Council was obliged to Transfer the whole of the land identified on the Ownership Plan as "Kirklees" and "Greenhead College" to Greenhead College and that statutory Transfer took effect 1 April 1993, with the exception of a strip of land approximately 1 - 3m in width along the Western boundary adjoining footpath HUD/343/30.

On 29 April 2019 the Council bought back the majority of the land identified on the Ownership Plan as "Kirklees" to add back to the 1 – 3m strip.



4. What is the land used for? (i.e. grazing animals, growing crops etc.)

Has the use varied? And if so please give details of when and how

The land identified as "Kirklees" and "Greenhead College has, for many years, been used as recreational fields for playing rugby and football bounded by peripheral shrubbery, trees and undergrowth.

Up until publication of the 1955 OS maps it appeared that the land was used for general agricultural purposes but in 1955 it was identified as being a combination of playing field (primary use) with some agricultural and allotment land (secondary use).

By the time of publication of the 1965 OS maps it was used wholly as playing fields.

The intention of the Council is to build a new school on the majority of the land identified as "Kirklees" on the Ownership Plan.

5. Are you aware of any right of way on the route applied for? If so, please give your reasons as to why you regard the way to be public or private?

I am not aware of any right of way on the route applied for.

6. Do you hold any deeds or maps of the land, or tenancy agreements or letters that might be useful in this investigation? ☐ Yes ☐ No

If yes, it may be helpful if you are able to provide copies and give details.

The OMA has the same access to the Council records as I do with the exception of the deeds, a lot of information of which is to be produced as part of the reference to the Planning sub-committee (Huddersfield Area) on 6 June 2019.

None of the records held by the Council evidence rights of way over the route applied for so I suppose they might be helpful in evidencing that there are no rights of way.

7. Have you ever seen people using the route? ☐ Yes ☐ No

If YES, were they on foot, on bicycle, on horseback, in a motor vehicle? If so please give details. (Since when, how frequent, has the route varied, etc.)

No, but as a lawyer employed by the Council I would not ordinarily visit the site.

Colleagues in the Council's Capital Delivery Team have occasionally visited the site and not witnessed any evidence of people using the claimed route but the Council does acknowledge that access to the site is open at certain points and the public at large may have used the site generally for recreational activities such as informal sports, walking and running (with or without a dog) or kite flying etc.

8. Have you, or others, ever stopped or turned back anyone using the route, or made it known to them that the route was not public? ☐ Yes ☐ No

No and nothing was mentioned when the Council bought the land back from Greenhead College recently.

If YES, how was this done? What was said? What was the response / reaction? [If YES, please ensure you complete question 22]

9. Has the way you have used this land made the current route difficult or impassable at any time? ☐ Yes ☐ No

No, the majority of the land has only just been acquired back by the Council and since re-acquisition no attempts have been made to prevent access.

If YES, please state how and when

10. Has anyone ever asked for permission to use the routes? ☐ Yes ☐ No  
[If YES, please ensure you complete question 23]

Not since the Council has bought back that part of the site that it now owns and not in respect of the 1 – 3m wide strip it has always owned.

11. Have you ever given permission to anyone to use the route, other than your employee(s)? ☐ Yes ☐ No  
[If YES, please ensure you complete question 23]

No.

12. Have you ever locked any gates or placed any other obstructions along the route?  
☐ Yes ☐ No. If YES

Not since the Council bought back that part of the site that it now owns although other parts of the site have locked gates, fencing and tree/shrub/overgrowth boundaries where entry has been forced through or at the side of them.

If YES

- a) Please describe the type of gate / nature of the obstruction, marking the location(s) of the gate / obstruction on the attached plan.

- b) What dates was it / were they there?

- c) How often? (i.e. how often was the gate locked)

- d) For how long?

13. If you have ever erected any notices or signs? ☐ Yes ☐ No

If yes, please indicate (if details are known)

Not applicable

a) Their wording?

b) Their location(s)?

c) Did you ever maintain or replace them, and when?

d) The length of time that they remained in place?

e) Was there any response / reaction from people?

14. Do you have any receipts for works carried out such as for erecting or repairing fencing or gates, notices or letters of permission, police reports etc. that identify that they relate to the application route and might be useful in this investigation? ☐ Yes ☐ No

No, the Council has only recently acquired the land and no work has been commissioned other than chopping down some trees.

If yes please provide copies

15. Have you ever deposited a map and / or statement declaring which routes you know as right of way over your land with the Local Highway Authority under Section 31(6) of the Highways Act 1980? ☐ Yes ☐ No

Yes.

If YES, can you recall when?

On 18 June 2012, although at this time it only related to that part of the site comprising the 1 – 3m wide strip which has never left the Council's ownership.

16. Have you ever given notice to the Local Highway Authority under section 31(5) Highways Act 1980 that the application route was not dedicated as a highway? ☐ Yes ☐ No

No.

If YES, can you recall when?

17. Would you be willing to give evidence at a Public Local Inquiry? ☐ Yes

**18. Please give any further particulars or comments**

The Council endorses and fully supports the comments of the officer who wrote the report which is going to the Planning sub-committee (Huddersfield Area) on 6 June 2019 and has nothing further to add.

It has in its possession detailed notes from the Capital Delivery Team and numerous more photos taken at various points along the claimed paths showing that with the exception of the worn entrance points there is no evidence of any other desire lines along the route of the claimed paths.

These can be supplied but it is noted that members of the Planning sub-committee (Huddersfield Area) on 6 June 2019 are due to undertake a site inspection on 6 June and will see for themselves the lack of evidence of established footpaths at the site.

Members of the Capital Delivery Team state that, in their opinion, where there are marks on the ground that can be interpreted as paths that these have been caused by Greenhead College students or other visiting students gaining access to and from the playing pitch areas.

**If you provide answers to any of the following questions, any personal details you provide will be redacted from public view. However, please be aware that the information may later be disclosed either where the person it relates to consents to disclosure, or where the OMA is required to disclose it because of a statutory requirement to do so or as part of legal proceedings.**

**19. If you are a tenant or licensee of the land, please advise the name and address of your landlord.**

Not applicable.

**20. The OMA wishes to be sure that everyone who might be affected by this application has been contacted. Do you know the names and addresses of anyone else who owns or occupies the land affected by the route? If so please give their contact details**

The officer on behalf of MA is already aware of the other owners details.

**21. It may assist your case if we are able to contact any previous owners of the land. Do you know the name / address of any previous owners or occupiers? (If applicable).**

Greenhead College, Greenhead Road, Huddersfield HD1 4ES who, according to the report, have already been contacted and offered their observations.

**22. In respect of question 8, please indicate the number of occurrences you have stopped or turned people back, stating the identity of the people (if known) and the dates. (How many, when / what frequency, etc.)**

Not applicable.

**23. In respect of questions 10 and 11, please give details of the identity of anyone you have given permission to and for what purpose, (e.g. for use on foot, horseback, driving a vehicle),**

together with their address if known

a) Was the permission given verbally, or in writing?

☐ In writing, (please attach a copy)

☐ Verbally, (please state what was said)

Not applicable.

b) How many people were given permission? (If total unknown, please state approximately)

Not applicable.

c) When was permission given?

Not applicable.

d) How long was the permission for (i.e. often did it need to be renewed?)

Not applicable.

e) Have you ever refused to give permission when asked for it? – please provide names (and addresses) and their relationship to you

Not applicable.

24. If you have any further information you wish to be taken into account, please give details below

See 18 above.

March 2019

**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**

**7.0 PUBLIC/LOCAL RESPONSE**

Summary of comments raised in **support** of the proposed development:

Throughout the consultation processes 4 letters of support were received with 2 no. petitions and 4 no. letters of supporting comments. The points raised within the supporting letters are as follows:

- Fly tipping will become less of an issue

Response: It is acknowledged that the use of the site and presence will deter this type of activity and could be an improvement to the setting of the Listed Building.

- No valid reason to oppose the fence as access by foot be unfettered and the gates to the compound will be open to all car users for access to the woods during the day

Response: The fence and associated gates would not block or obstruct access to the woods as demonstrated on the submitted plans.

- The Sikh community have stated that they intend to upgrade the road surface to the lane and already temporarily filled in some larger pot holes

Response: The lane is under the ownership of the applicants and therefore maintenance works can be carried out without the requirement of Planning Permission providing that the Public Right of Way is not obstructed or diverted. A condition would be imposed in this respect if Members sought to support the application.

- There will be increased traffic when there is a religious festival however they own the lane and so it is in their interest to maintain it

Response: Any general maintenance works to the lane or upgrade would be conditioned in addition to landscaping works.

- Welcome New House Farm building coming back into use and the security arrangements planned by the community and fully support the change of use for New House Farm, new car parking and landscape and the erection of the fence and gates

Response: The viability of bringing the building back into use has been assessed within the Committee Report under para 10.15. It is acknowledged that this would be of benefit for the reasons outlined.

- New occupants doing a fine job in cleaning the area and that surely must be a beneficial consideration to all who use it

Response: It is noted that some clearance works have been carried out at the site and the impact of the associated works have been addressed under para 10.17 of the Committee Report.

- Imperative as a society we can make accessible places of worship for all religions and spiritual needs

Response: It is recognised that the development would provide a place of worship and ancillary events and these have been assessed in para 10.15 of the Committee Report.

- The use of a third Sikh temple in Huddersfield is paramount to promote mental health and wellbeing and support of a minority group

Response: It is recognised that there are wider public benefits of the scheme which have been addressed within para 10.15 of the Committee Report

- Provides a peaceful place of worship which does not cause harm or offence

Response: The impact of the scheme from noise generation has been addressed within para 10.18 of the Committee Report and matters concluded to be acceptable subject to condition.

- Sound in a Sikh temple is isolated within the inner walls providing a mindful and peaceful sound to those who wish to listen

Response: A noise assessment has been undertaken and should the application be granted approval, a noise management plan would be requested by condition as outlined within para 10.18 of the Committee Report

- Members of other religions are encouraged and are welcomed within the Sikh community at any time for a free communal meal, a mindful space to sit or to watch the colourful celebration of faith across the year

Response: It is accepted that there are community benefits associated with the development.

- Notable examples of many Sikh organisations and temples providing free shelter and food for those affected are baffled at claims that a Sikh temple be “obstructive” if it is serving the wellbeing of others

Response: It is accepted that there are public benefits from bringing the site back into use however these are balanced against other material planning considerations as noted within para 10.15 of the Committee Report.

- The dwelling at New House Farm is in a perfect location central to areas currently unable to access the existing temples but also in an area causing little or no disruption to members of society

Response: It is believed that the location of the development would serve the immediate community whilst offering wider benefits. The impact of the scheme on amenity has been addressed with the submission of further information. A noise report demonstrates that the site could operate without impacting detrimentally on any neighbour.

- Provides a new resource accessible for local schools in Kirklees to access for religious education purposes whilst also providing a safe and purposeful spaces for Sikhs in Huddersfield

Response: It is accepted that there are public benefits from bringing the site back into use however this needs to be balanced against other material planning considerations as noted within para 10.15 of the Committee Report.



## **FURTHER REPRESENTATIONS:**

Following the publication of the Committee Report and the closure of the publicity period referred to in para 7.3 of the report, a further 133 representations have been received objecting to the proposal. Additional matters which were not included within the Committee Report are listed and responded to as follows:

- Would like a condition placed on the application, should it be passed, that no wedding receptions would take place on site

Response: A D1 use, which has been applied for, would allow for use as a place of worship and ancillary uses such as a wedding reception and other ancillary uses that fall within the D1 Use Class. Should planning permission be granted any use would be restricted by conditions in relation to number of attendees, noise attenuation and mitigation and car parking planning management plan for example.

- Would like a condition limiting celebrations to reasonable hours and that noise is not excessive

Response: This has been addressed within the main body of the report under paragraph 10.18

- Would like a condition banning the use of fireworks at all celebrations

Response: The operation of the site would be in accordance with the noise assessment submitted. The noise assessment does not include an assessment regarding the use of fireworks. Should the application be approved it is possible to consider planning conditions for further noise assessment related to the use of fireworks. However planning controls would not cover the items listed below as covered by separate legislation as follows:

You must not set off fireworks between 11pm and 7am, except for:

- Bonfire Night, when the cut off is midnight
- New Year's Eve, Diwali and Chinese New Year, when the cut off is 1am

- Ask that strict and reasonable opening hours for the temple and community centre are imposed

Response: The application has been assessed against the proposed opening hours put forward by the applicant

- Concerned that the temple will not be used just as a place of worship but also a place to celebrate family occasions given the catering and kitchen facilities provided

Response: Ancillary activities can take place without the need for Planning Permission however would be bound by the same conditions as the use of the building under a D1 use.

- No community involvement taken place

Response: Noted



- Welcome collaboration between the local schools and the temple

Response: Noted

- Community activities already take place in the immediate area

Response: Noted

- Believe that blood donor sessions are to be information sessions on Bone Marrow donations

Response: A D1 use, which has been applied for, would allow for use as a place of worship and ancillary uses associated with this. Any use would be restricted by conditions.

- At least 324 written objections submitted following the in after the original closing of the consultation period plus 2 emailed directly, with 37 written objections. This makes a total of 425 objections. Only able to find one letter of support for the last consultation and its amendments. Clarification of matters required

Response: At the time of writing the Committee Report not all representations were available to view. It is confirmed that a total of 675 individuals have provided comments to the scheme with a total of 734 records against, 6 in support (this contains 2 petitions, one with 403 signatures and the other with 30) and 6 general comments.

- A document submitted in respect of fire safety not on the website

Response: Whilst it is accepted that the Report is not available online, the Report has been fully assessed by Officers.

## **10.0 APPRAISAL**

### Highway Issues

Further to the highway issues that are set out in paragraphs 10.26 to 10.33 of the report, on further review Highways DM consider that due to the nature and scale of the development proposals and access arrangement adjacent to the publicly maintained highway, that a Car Parking Management Plan would be required to ensure the development's operational requirements are managed in an efficient and safe manner should the application be approved. In such circumstances this could be achieved by the imposition of a planning condition.

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**Demolition of existing dwelling and erection of 5 detached dwellings with garages**

**Corby, Birkby Road, Birkby, Huddersfield, HD2 2DR**

Representations

The public representation period for the amended plans expired, on the 4<sup>th</sup> of June, following the committee report being published on the 29<sup>th</sup> of May. Five further representations were received (for a total of 37). The following is a summary of the comments made;

- The amendments do not overcome the concerns expressed by members at the previous committee and shows disregard for member's assessment.
- The inclusion of a 3m high fence does not overcome the concerns raised by members.
- The submitted density plan 'cherry-picks' the most relevant areas and therefore is out of context. It ignores more spacious properties in the area. Further, their argument does not recognise that building/garden ratios are relevant.
- The development remains an overdevelopment. The development is cramped and causes harm to visual amenity and the adjacent conservation area.

**Response:** Officers concur with these comments, as per the committee report.

- There are too many new houses within the vicinity that have eroded the green spaced around Lindley.

**Response:** Given that this proposal seeks the redevelopment of an existing residential site, this comment is not considered material to this application.

- Garden sizes for the proposed dwellings are small, which much of each plot taken up by the dwelling. This is a poor standard of amenity for occupiers of 5+bed housing.

**Response:** Officers note these concerns. However, on balance, officers are satisfied that the garden sizes, along with the scale of the dwellings, would not prejudice the amenity of future occupiers.

- Question over whether the development could host sufficient parking in line with the Kirklees Draft Highways Design Guide. For example, the garages are too small to be counted as double garages with driveways also being too narrow.

**Response:** Officers and K.C. Highways are satisfied that each of the proposed dwellings could host, at a minimum, three off-road parking spaces. This is considered acceptable given the scale of the units sought.

- No plan for plot 3's garage are provided.

**Response:** Notes, this would be required by condition should the application be approved

- Only one guest parking space is provided.

**Response:** Four dwellings are to be served by the new access. The LPA seeks for one visitor parking space per four dwellings as standard. While five units are sought, the remaining unit is served directly from Birkby Road which has unrestricted parking at the present time. Regardless, given the sufficient on-site parking per dwelling, a shortfall of 0.25 visitor parking space is considered not to result in material harm to highway safety.

- The LLFA consultation response confirming that there is no longer an objection to the proposal is not of sufficient detail. Past applications have been refused, and dismissed at appeal, due to concerns that the development would exacerbate flood risk.
- The site remains a flood risk to local residents; the removal of the trees has led to the garden becoming boggy. Is there any reassurance there would be no water seepage as part of the new culvert?

**Response:** The LLFA's initial concern related to additional surface water being directed into a culvert which has, historically, flooded. During the course of the application the applicant has provided details of the relocation of the culvert within the site and the attenuation of flow rate of surface water through the culvert. Given this, and that the discharge rate would be limited to 3lt/s, the LLFA concluded, on balance, they no longer objected to the proposal. The proposed surface water drainage system would address issues associated with the culvert through the application site.

- The ecological statement makes reference to four units and therefore is not accurate. It should not be accepted. The council ecologist raises concerns which are 'glossed over'.

**Response:** K.C. Ecology consider the methodology and findings to be acceptable for the purposes of assessing the development's impact. Their concern relates to the assessment only providing outline ecological enhancement measures. Thus they do not object, subject to a condition requiring formal enhancement measures being provided via condition.

#### Applicant's comments in response to Committee Report

The applicant has provided the below statement in response to the assessment undertaken within the committee report dated the 29<sup>th</sup> of May. It specifically responds to officer concerns that the proposal represents overdevelopment.

*Further to the subjective assertions contained within the case officer report to Committee in respect of alleged over-development and the proposed scheme not being characteristic of the area, the area of development (footprint) of the proposed scheme only covers 23% of the developable site area which cannot be reasonably described as "over-development" within a site.*

*In addition, it should be noted that the three existing properties to the south (42-46 Inglewood Avenue inclusive) have a built footprint to curtilage ratio of 21%, 26% and 25% respectively. This can be compared to the average footprint to curtilage ratio of the proposed dwellings of approximately 27%, which is not dissimilar to the adjacent property and certainly well within the threshold of acceptability.*

#### Comments from Local Ward Members

In response to the latest plans and the committee report, the Local Ward Members for Lindley, Cllrs Richard Eastwood, Cahal Burke and Anthony Smith, have provided the following comments;

*We are writing in connection to a planning application at Corby, Birkby Road, Huddersfield (2018/62/93326/W), which entails the demolition of an existing dwelling and the erection of 5 detached dwellings.*

*We would like to submit our objections to the proposed development and we support officer's recommendation to refuse.*

*Firstly, we believe that the existing proposal constitutes over-development of the site and a number of our residents have contacted us to express and share the same view. Although the number of units proposed has been reduced from six to five, we believe that the number of units proposed is still too high. In March 2019, members of Huddersfield Planning Sub-Committee, resolved to defer the application to provide an opportunity for the applicant to reduce the number of units to four or less. However, we note that the applicant has been unwilling to do so and we do not believe that the proposal to alleviate concerns through boundary treatment changes adequately addresses concerns about over-development.*

*We also believe that the dwellings proposed are large and there is insufficient space between the units. Consequently, it represents a rather cramped form of development. We note that there is significantly lower density housing in the wider area, so the existing proposal would not be in keeping with the neighbourhood and the local character. Although the site for the proposed development is not part of a conservation area, it is on the edge of the Edgerton Conservation Area and we believe that it would have a negative impact on the character and visual amenity of the wider area due to its scale and density.*

*Most significantly, we believe that the development would have a negative impact on the amenity of neighbouring residents and we note that an assessment has been undertaken which has identified the potential for overbearing. Ultimately, it would invade the privacy of neighbours, which is unacceptable.*

*We also note the concerns by Kirklees Flood Management, who have previously objected to the development on the grounds that it will increase the flood risk. It may exacerbate the existing flooding issues along Grimescar Dyke. We also note that an ecological appraisal has been conducted, which identified the site as having 'moderate roosting potential' and requiring further investigation.*

*Finally, we note the proximity of the site to the Air Quality Management Area 3, which encompasses Halifax Road and Ainley Top. We would argue that the additional housing would exacerbate the problem with air pollution and jeopardise the Council's commitment to tackle concerns around air quality in this area.*

Officers note the above comments which overall conform to the assessment contained within the committee report. However, officers would highlight that, following amendments and further details being provided, the Lead Local Flood Authority no longer objects to the proposal.

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**Planning Application 2018/93717**

**Item 17 – Page 87**

**Erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works (within a Conservation Area)**

**Eastwood House, 14, Green Cliff, Honley, Holmfirth, HD9 6JN**

Representations

1 additional representation has been received with photographs taken over an extended period of time to highlight the changes in the number of trees along the shared boundary and the screening the original tree cover provided.

Trees

In paragraph 10.20 of the main report members were informed that an update would be provided as to whether re-planting of trees had taken place in accordance with conditions imposed on Tree Works application no. 2017/90170. It is confirmed that the trees have now been replanted, two birch and two beech trees. The layout plan has been updated to verify this.

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